



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

खण्ड 36]

शिमला, शनिवार, 30 जनवरी, 1988/10 माघ, 1909

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30 जनवरी, 1988/10 माघ, 1909 को समाप्त होने वाले सप्ताह में निम्नलिखित विज्ञप्तियां 'असाधारण राजपत्र, हिमाचल प्रदेश' में प्रकाशित हुईं:-

विज्ञप्ति की संख्या	विभाग का नाम	विषय
संख्या 14-17 (14)/इलैक-160-219, दिनांक 23 जनवरी, 1988.	कार्यालय जिला निर्वाचन अधिकारी (उपायुक्त), कांगड़ा स्थित धर्मशाला।	जिला कांगड़ा के विकास खण्ड बैजनाथ, लम्बागांव, भवारना, नगरोटा बगवां, देहरा प्रागपुर और पंचरुखी की ग्राम पंचायतों के उप-निर्वाचन में निर्वाचित प्रधानों, उप-प्रधानों और पंचों के नामों की घोषणा।
No. EXN. F(12)-3/86, dated 18 January, 1988.	Excise & Taxation Department.	Draft amendment in schedule 'B' of the Himachal Pradesh General Sales Tax Act, 1968.

भाग 1—वैधानिक नियमों को छोड़ कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा अधिसूचनाएं इत्यादि

हिमाचल प्रदेश सरकार

LABOUR DEPARTMENT

NOTIFICATION

Shimla-171002, the 24th November, 1987

No. 19-9 87-Shram.—In exercise of the powers vested in him under section 17(1) of the Industrial Disputes Act, 1947, the Governor, Himachal Pradesh is pleased to publish the award of Presiding Officer, Labour Court/Industrial Tribunal, H. P. in the cases detailed below:—

Sr. Case No.	Name of the Parties
1. 105/83	Tilak Raj Bhardwaj <i>Versus</i> Management Baira Sieul Project, Surangani.
2. 202/86	Chamba Handloom and Handicrafts Mazdoor Sangh, Rangmahal, Chamba <i>Versus</i> Management.
3. 17/87	Gabriel India Workers' Union Parwanoo <i>Versus</i> M/S Gabriel India, Private limited Parwanoo.

By order,
Sd/-
Secretary.

Before Shri S. S. Katar, Presiding Officer, Labour Court, Himachal Pradesh

Case No. 105/83

Tilak Raj Bhardwaj .. Petitioner.
Versus

Management, Baira Sieul Project, Surangani, District Chamba. .. Respondent.

Shri Kartar Singh Bawa, Authorised Representative of the Petitioner with Shri Tilak Raj Bhardwaj, Petitioner in person.

S/Shri R. L. Gupta and V. K. Gupta, Authorised Representatives of the respondent.

AWARD

Shri Tilak Raj Bhardwaj joined as a Clerk with the respondent management and have put in about ten years of service. At the time of his termination, he was drawing monthly salary of Rs. 900/- per month. He is/was the General Secretary of the National Hydro-electric Power Corporation Employees' Association at Surangani, District Chamba.

For his misconduct, an enquiry was held against him, by the Manager (Finance and Accounts), Baira Sieul Project, Surangani on the following sheet.

CHARGESHEET

The undersigned proposes to hold an enquiry against Shri Tilak Raj Bhardwaj, Assistant Grade-III office of the Finance and Accounts Wing, Baira Sieul Project, Surangani under rule 34 of the Certified standing orders of the Baira Sieul Project. The Substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure I). A statement of the imputation of misconduct or misbehaviour in support of each documents by which, and a list of witnesses by whom, the articles of charges are proposed to be sustained are also enclosed (Annexure III & IV).

2. Shri Tilak Raj Bhardwaj is directed to submit a written statement of his defence in respect of the charges levelled against him on or before 23-1-1988 and also to state whether he desires to be heard in person.

3. He is informed that an enquiry will be held only in respect of those articles of charges as are not admitted. He should, therefore, specifically admit or deny each article of charge.

4. Shri Tilak Raj Bhardwaj is further informed that if he does not submit his written statement of defence on or before the date specified in para 2 above, or does not appear in person before the Inquiring Authority or otherwise fails or refuses to comply with the provision of rule 34 of the Certified Standing Orders of the Baira Sieul Project or the orders/directions issued in pursuance of the said rule, the Inquiring Authority may hold the inquiry against him *ex parte*.

Sd/-

(A. R. RAM AMURTHY).
Manager (Finance and Accounts).

The statement of articles of charges has also been served on the petitioner workman. Article of charge 1 & 2 relates to the incident which occurred on 15-12-1982 when the petitioner locked the portion of the Project Rest House, Surangani without any permission or valid permit and in spite of the Chowkidar (Atma Ram) telling him that he should not put a lock on the premises as it had already been allotted to the Deputy Superintendent (Security).

The third charge relates to his willful absence from duty on 16-12-1982 and 17-12-1982. The fourth charge relates to the incident which occurred on 6-11-1982. It is alleged that Shri Tilak Raj Bhardwaj had misconduct himself and misbehaved with the Accounts Officer (Administration). The statement of imputation reads as under:—

ARTICLE I

That the said Shri Tilak Raj Bhardwaj while functioning as Assistant Grade-III in Finance and Accounts Wing of Baira Sieul Project, Surangani on 15-12-1982 at about 10.30 hours, without having any authority, locked suite No. 2 of the Project Rest House at Surangani and thus exhibited his conduct of unbecoming of the employee of the project and thereby violated the rule No. 28.2, 28.4 and 28.48 of Baira Sieul Project Certified Standing Orders.

ARTICLE II

That during the aforesaid period and while functioning in the aforesaid office, the said Shri Tilak Raj Bhardwaj, on 15-12-1982 at about 1030 hours, while locking suite No. 2 of the Project Rest House at Surangani was prevented by Shri Atma Ram Chowkidar of the said Rest House for doing so but despite repeated requests by the said chowkidar Shri Tilak Raj Bhardwaj, locked the said suite and thereby violated the rule No. 28.2, 28.4, 28.8 and 28.48 of the Baira Sieul Project Surangani Certified Standing Orders.

ARTICLE III

That on 16-12-1982 and 17-12-1982 while functioning as Assistant Grade III in Finance and Accounts Wing, the said Shri Tilka Raj Bhardwaj, wilfully absented himself from the place of duty as the said Shri Tilak Raj Bhardwaj did not obtain prior permission from the competent authority and thereby violated the rule No. 28.1, 28.2, 28.4, 28.7, 28.54 and 28.59 of the Baira Sieul Project Certified Standing Orders.

ARTICLE IV

That on 6-11-1982 at about 1700 hours and while functioning as Assistant Grade-III in Finance and Accounts Wing, the said Shri Tilak Raj Bhardwaj entered the chamber of Accounts Officer (Administration), Finance and Accounts Wing of Baira Sieul Project, Surangani, started shouting at the top of his voice and also thumped the Office table of the officer, several times, thus exhibited his conduct of unbecoming of an employee of the Project and thereby violated rule No. 23.4, 23-17, 23.13, 28.38, 28.48 and 28.2 of the Baira Sieul Project, Surangani certified Standing Orders.

Shri V. K. Sharma was appointed as the Enquiry Officer *vide* order, dated 26-1-1983 passed by the Manager (Finance) Baira Sieul Project, Surangani. After holding the enquiry he submitted the enquiry report, dated 22-3-1983 and found Shri Bhardwaj guilty of all the charges. The Manager (Finance and Accounts) on this enquiry report passed the following order, dated 30-3-1983 removing the petitioner from service *w. e. f.* 30-3-1983 (Afternoon). The order reads as under :—

OFFICE ORDER

Whereas Shri T. R. Bhardwaj, Assistant Grade-III (under suspension) has been found guilty of misconduct on the following charges in the inquiry ordered *vide* this office order No. P & A/NHPC/BS/Admn./82-83/17827-29, dated the 28th January, 1983.

1. Breach of law applicable to the Project (Unauthorisedly locking of property belonging to the Project).
2. Abetment of and commission of an Act of indiscipline and subversive of discipline.
3. Interference with the work of other workmen.
4. Subversive activities.
5. Habitual breach of the provisions provided in the standing order and rules/instructions issued by the Management from time to time and in force for the time being.
6. Leaving work without written permission.
7. Absence without authorised leave and overstaying the short leave.
8. Unauthorised absence from place of duty after reporting the work.
9. Riotous, disorderly and indecent behaviour within the premises.
10. Coercing, assaulting or intimidating workmen/ employees/superior officers of the Project inside or outside work premises.
11. Assaulting or intimidating any workmen.

On a careful consideration of the Enquiry Report the undersigned has come to the conclusion that the conduct of the said Shri T. R. Bhardwaj, Assistant Grade-III (under suspension) is such as to render his further retention in the public service undesirable and that the gravity of the charges is such as to warrant the imposition of major penalty.

Now, therefore, in exercise of the powers conferred upon by clause 35.3 of the Certified Standing Orders of the Baira Sieul Project, undersigned hereby remove the said Shri Tilak Raj Bhardwaj, Assistant Grade -III (under suspension) from service with effect from 30-3-1983 (Afternoon).

Sd/-
Manager (F&A),
Finance and Accounts Wing,
Baira Sieul Project, NHPC Ltd.,
P. O. Surangani. Chamba, H.P.

The petitioner filed an appeal against this order and the grounds of appeal dated 11-4-1983. During the pendency of this appeal, the operation of the order removing the petitioner from service was stayed by the appellate authority *i.e.* Chief Project Manager, *vide* order, dated 24-4-1983. Ultimately the appeal of the petitioner was rejected *vide* order, dated 7-7-1983 by the Chief Project Manager. This order reads as under:—

ORDER

Whereas an order removing Shri Tilak Raj Bhardwaj, Assistant Grade-III of F & A Wing, B. P. Surangani, from service had been issued *vide* Manager (F&A), B.S.P. order No. F & A/ NHPC/BS/Admn./82-20351-53, dated 30-3-1983 on account of grounds of misconduct committed by the said Shri Tilak Raj Bhardwaj.

AND WHEREAS Shri Tilak Raj Bhardwaj in terms of para 42.1 of the Certified Standing Orders of Baira Sieul Project had filed an appeal before the undersigned against the said order.

NOW THEREFORE, undersigned the Appellate Authority, confirms the punishment of removal from service of Biara Sieul Project, in respect of the Assistant, *i.e.* Shri Tilak Raj Bhardwaj, *w. e. f.* the date of issue of his removal orders *i.e.* 30-3-1983 *vide* No. F&A/NHPC/Admn./82/20351-53, dated 30-3-1983.

With these orders becoming effective, interim orders issued *vide* this office order No. CPM-EM-53-2281-88, dated the 26th April, 1983 will cease to operate *w. e. f.* the date of issue of these orders. However, the service rendered by Shri Bhardwaj during the period of operation of order No. CPM-EM-53-2281-88 will be treated as *ad hoc* service and paid for accordingly.

Sd/-
A. L. JAGGI,
Chief Project Manager,
Baira Sieul Project-cum-Appellate Authority.

The petitioner raised an Industrial Dispute and on the failure of the conciliation, the dispute has been referred to this court, *vide* notification, dated 4-10-1983. The following question has been referred:—

“Whether the removal from service of Shri Tilak Raj Bhardwaj, Assistant Grade-III is in accordance with the law and rules and justifiable. If not, to what relief Shri Bhardwaj is entitled to ?”

The workman has filed his statement of claim and has raised all the objections against his removal which could possibly be raised. With respect to charges No. 1 & 2, he has stated that Shri Paras Ram, Ward Attendant, Project Hospital complained to the Union/Association that the Deputy Superintendent (Security) of the Project had locked the quarter No. 64, Wireless Colony in his absence and without conveying any reasons thereof and without any legal power and that the workman was deprived of his belongings for six months and that during these six months, the workman concerned as well as the union/association approached the higher authority of the Project to get the quarter unlocked but the management failed to resolve the issue. He has further contended that on this attitude of the management, the workers' union took an objection and it was decided that the room of the Deputy Superintendent (Security) should be locked as a token of protest, so that he may realise the difficulties and hardships of the workmen concerned and that locking of the room was only symbolic and a part of the agitation and that therefore, he was not personally responsible.

Regarding his absence on 16-12-1982 and 17-12-1982, he has stated that in fact he was not guilty to the extent but had obtained prior permission to leave for the purpose of discussing the urgent labour problems with the Manager (Finance and Accounts), Manager (Personnel and Administration) and actually called on him.

About incident, dated 6-11-1982 which is the subject of charge No. 4, he has stated that he did visit the office of the Accounts Officer who did not listen to the grievances of the members of the union. He denied that any incident as is being described by the respondent management, occurred.

The respondent management has filed the reply to this claim petition and has controverted all the pleas raised by the petitioner and have justified the result of the enquiry and the punishment imposed on the petitioner.

From these averments, the following issues arose and have been framed by me on 22-2-1984:—

1. Whether the removal of the petitioner from service by the respondent management is legal and justifiable?
OPR.

2. Whether the provisions of NHPC (Conduct and Appeal) Rules or Certified Standing Orders governing the Enquiry Proceedings taken against the petitioner are applicable? OPP.

3. Relief.

The respondent management has tendered in evidence only enquiry file (Ex. R-2), Enquiry Report (Ex. R-3) and the Enquiry proceedings (Ex. R-4). The petitioner in rebuttal has tendered in evidence his affidavit (Ex. P-1) along with various annexures.

I have gone through all the records and have heard the authorised representatives of the parties at length and my findings are as under:—

Issue No.1.

With respect to charges 1 & 2, the report of Atma Ram, Chowkidar, who had appeared as PW-1 during the enquiry is relevant. This report is at page 88 of Ex. R-2. According to this report, Shri Tilak Raj Bhardwaj enquired from the Chowkidar of the rest house as to which was the room of the Deputy Superintendent (Security) and the Chowkidar told him that he was living in room No. 2. On this, the petitioner locked that room telling the Chowkidar that he should inform that the room had been locked by the petitioner. This report was forwarded by the Clerk concerned to the Engineer who in turn forwarded this report on 15-12-1982 to the Assistant Engineer, Civil Construction Division No. 3 for necessary action. The Assistant Engineer, Civil Construction Division forwarded this report to the Manager (Finance and Accounts) Baira Sieul Project, Surangani requesting for disciplinary action against Shri Tilak Raj Bhardwaj. During the enquiry in support of the incident, Atma Ram, Chowkidar and Tula Ram, PW-2 has been examined. The petitioner has also examined, D. S. P. Prem Singh, DW-1, Kashmiri Lal, DW-2, Ramesh Chand, DW-5 and Param Ram, DW-9 and himself has appeared and made a statement.

When all the evidence is read along with the reply of the petitioner, it becomes quite clear that the findings of the Enquiry Officer holding the petitioner guilty of these charges is warranted. These findings are not perverse or based on no evidence. The reply to the chargesheet is at page 67-68 of Ex. R-2. He has not specifically denied these charges. On the other hand, he has admitted that when he failed to get the key of quarter of Paras Ram, he informed the Manager (Personnel and Administration) that the association has no other alternative except to make the Deputy Superintendent (Security) realise the problem being faced by Paras Ram by locking his residence. No resolution of the workers' union recording the decision to adopt this method of agitation has been brought on record. It appears to be the brain wave of the petitioner to lock the room which was in occupation of the Deputy Superintendent (Security). This act of the petitioner is a serious lapse on his part and is a clear act of indiscipline. If the Deputy Superintendent (Security) was not handing over the room of Paras Ram to him by unlocking the quarter in his possession, the petitioner could approach the higher authorities and get the grievances redressed. It was highly improper undesirable and an act of indiscipline on his part to lock the room in possession of the Deputy Superintendent (Security), who was an officer of the respondent management. I think both these charges have been proved and there is nothing on record to show that the action of the petitioner was justifiable and as such was not an act of indiscipline.

With respect to charge No. 2 for the absence of the petitioner on 16-12-1982 and 17-12-1982, I think that the respondent management has failed to prove these charges. The report about the absence of the petitioner on 16-12-1982 and 17-12-1982 are at page 89 and 90 of Ex. R-2. The perusal of these very reports shows that the petitioner had obtained leave of absence for a short period but has not returned. Shri Bhardwaj explained that he had gone

to discuss the workers' problems with the higher authorities on both these days after seeking permission and that it took time during these discussions and that the he was not absent from duty. It is on record that the petitioner was the General Secretary of the worker's union at the relevant time and the explanation rendered by him appears to be plausible. I think that this charge No. 3 about the absence of the petitioner on 16-12-1982 and 17-12-1982 has not been proved.

The fourth charge relates to the misbehaviour of the petitioner in the office of the Accounts Officer, who has appeared as PW-5, during the enquiry. According to this charge, the petitioner entered the room of Shri L.D. Joshi, Accounts Officer on 6-11-1982 and shouted at the top of his voice and by thumping the table, he created a scene, when he several times told the accounts officer that why the accounts of the workmen were not being settled. Shri Bhardwaj has denied this charge. Shri L. D. Joshi, Accounts Officer as PW-5 and Shri P. P. Tiwari, as PW-6, have substantiated this charge.

The petitioner has examined Shri Bidhia Ram, DW-4, Manohar Singh, DW-5, Shakti Parshad, DW-6, Subhash DW-7 and Janardhan Joshi, DW-8 during enquiry. From the evidence on record, I have no hesitation to conclude that the findings of the enquiry officer on this charge as well are well founded. In fact, Janardhan Joshi, DW-8, has not supported the petitioner. Even according to his statement, the petitioner had misconducted himself before Shri L. D. Joshi, DW-5, who was the Accounts Officer at that time and as such deserved to be respected by the petitioner and other subordinate workmen. To address him insolently at the top of his voice and by thumping the table is in fact an act of indiscipline on the part of the petitioner. Besides being the General Secretary of the workers' union the petitioner was a workman. He should have conducted himself in a proper way even if he wanted to get the grievances of the fellow workmen redressed in his capacity of being the General Secretary of workers' union. The office of the General Secretary of workers' union does not give him a licence to misbehave or misconduct himself with the higher authorities.

In view of these considerations, I think that the Enquiry Officer has rightly held that the charges 1, 2 and 4 having been proved against the petitioner. The findings are based on the legal evidence recorded during the enquiry against the petitioner with reference to the charges framed against him. It cannot be said that no reasonable persons on the basis of the material brought on record during the domestic enquiry, can arrive at a conclusion of guilt on the charges levelled against the petitioner. All the principles of natural justice have been prominently followed during the course of the domestic enquiry. The petitioner cannot justify his claim on the available material that he has been victimized or that the enquiry officer or the respondent management had been unfair to him. The findings of guilt recorded are borne out from the evidence on record.

The punishment imposed on the petitioner appears to be extremely harsh and unjust and wholly disproportionate to the misconduct proved. The petitioner belongs to the working class and not expected to behave in the way highly balanced, disciplined and highly placed officer should have behaved in the obtained circumstances. He has overstepped the functions as a General Secretary, which he himself supposes to discharge. I think the extreme penalty of dismissal is wholly disproportionate to the misconduct proved. The punishment imposed on him is not commensurate with the gravity of the misconduct. I, therefore, in exercise of the powers vested in me under section 11 (a) of the Industrial Disputes Act, 1947 reduce the punishment imposed on the petitioner. The order of penalty of dismissal imposed on him is modified. In the facts and circumstances of this case, I think it will be just and proper if 5 increments of the petitioner are forfeited. The petitioner is re-instated. He is entitled to the back wages as been withheld by the management because of the termination of his service w.e.f. 30-3-1983. I decide this issue accordingly in favour of the petitioner and against the respondent management.

Issue No. 2.

During arguments it has conceded before me that the Certified Standing Orders will govern the enquiry proceeding in this case. I decide this issue accordingly.

Relief :

In the result, the order terminating the services of the petitioner dated 30-3-1983 is modified. The enquiry report is held to be based on proper and regular enquiry and the conclusion arrived at are held to be just and proper. The punishment of termination of his services is however harsh. This order of punishment is modified. Five increments earned by the petitioner are forfeited, with cumulative effect. The petitioner is entitled to back wages to which he is entitled to from the termination of his services till re-instatement. The respondent management is allowed two months time to implement this award, failing which he petitioner would be entitled to have recourse to other provisions of law for getting this award enforced. The parties are left to bear their own costs of these proceedings. The copy of this award, if applied for, may be supplied to the parties free of costs. The award be got published in the Raj-patra.

15-9-1987.

Sd/-
S. S. KANWAR,
Presiding Officer,
Labour Court, Himachal Pradesh.

Before Shri S. S. Kanwar, Presiding Officer, Labour Court,
Himachal Pradesh

Case No. 202/86

Chamba Handloom and Handicraft Corporation,
Mazdoor Sangh, Chamba .. Petitioner.

Versus

(i) Manager, Handloom and Handicraft, Chamba
(ii) Managing Director, H. P. State Handloom and
Handicraft Corporation, Shimla .. Respondents.

Shri P. L. Bery, Authorised Representative of the
Petitioners.

Shri P. L. Sehgal, Authorised Representative of the
respondents.

AWARD

The respondent management is manufacturing shawls at Chamba through piece rated employees numbering 25. The material to be consumed in the Shawl weaving is provided by the respondent to the piece rated workmen who after weaving and finishing the shawls, are paid the piece rated wages, by the respondent management. On a number of occasions, it so happened that the respondent management cannot arrange for the supply of the wool and other raw-material to be consumed in the Shawl weaving in the Industry by the piece rated workmen. And as a consequence thereof the workmen are idle and without any work and without any wages, but they are required to attend the respondent management to mark their presence. The workmen started feeling the pinch of no wages for the idle period for no fault of theirs. They represented on a number of occasions to all the concerned authorities including the Labour Commissioner. The Labour Commissioner in his turn pointed out to the respondent management that all these piece rated employees are workmen for the purpose of the section 17 of the Minimum Wages as fixed by the Government of Himachal Pradesh from time to time under the Minimum Wages Act, 1948, but even this advise has not been accepted by the respondent. On the failure of the Conciliation proceedings, a reference has been made in the following terms to this Court:—

“Whether the workers of the Shawl Weaving Unit Chamba are the employees under the Minimum Wages Act, 1948. If so, whether they are entitled

to the Minimum Wages under the Minimum Wages Act. If they are the employees under the Minimum Wages Act, 1948, to what relief and compensation they are entitled to ?”

In their claim petition, it has been alleged that the respondent corporation is a state undertaking and is running a Shawl Weaving Industry. Besides doing other manufacturing units, it has got a shawl weaving unit at Chamba where they also produce carpets. The petitioners, 25 in number, all weavers and have been engaged by the respondent. They earn their wages by Weaving Shawls and are allowed piece rates. It has further been stated that on various occasions the raw material is not supplied which is required for manufacturing the shawls and carpets. No wages are paid to the workers. They are forced the life of starvation. In spite of their representations, their grievances had not been redressed and the wages for the idle period is not paid to them. It has been prayed that they be declared as employees under the provisions of the Minimum Wages Act and they be allowed the minimum wages for the idle period and the Minimum Wages be paid with effect from 6-8-1983.

This petition of the claim has been resisted by the respondent management who had controverted the pleas raised by the workmen. It has been stated that the petitioners are not the workmen as defined under the provisions of the Minimum Wages Act and they are not entitled to any relief.

The parties obtained a number of adjournments for arriving at a settlement out of court, but they failed.

From the averments of the parties, the following issues arose and framed by me on 3-5-1987:—

1. Whether the workmen of the respondent corporation are workmen for the purpose of Industrial Disputes Act and Minimum Wages Act? (OPP).
2. Whether the workmen of the respondent management are entitled to the minimum wages. If so, at what rate and to what amount, they are entitled to ? OPP.
3. Relief.

FINDINGS

Issue No. 1 and 2.—In support of these issues, Vidya Dhar has appeared as PW-1. He has stated that the respondent has employed Weavers for weaving shawls and carpets and they are paid the piece rate wages. In case there is no material, no production results and the workmen are idle. They are required to attend and mark their presence but they do not get any wages for idle period. He has brought on record of the various correspondences between the Union of the Workmen and their employer and the Labour Commissioner. There are documents Ex. P-1 to Ex. P.12. I have gone through these documents. This shows that the workmen have persistently put up their claim for getting minimum wages for the idle period but the respondent management has resisted their claim and had not agreed to pay the Minimum Wages for the period when there is no work to the workmen for no fault of theirs. For the failure of the respondent management in providing the raw-material also as to enable the workmen to produce the carpets and shawls and earn piece rates, the workmen cannot be penalized.

According to section 2(1) of the Minimum Wages Act, 1948, the workmen in this case are the employees as defined. This definition clearly establish, in the facts and circumstances of this case that the workmen are the piece rated workmen. They are the employees for the purpose of Minimum Wages. From the evidence on record, it can safely be concluded however that the 25 workmen who have raised the dispute are the employees for the purpose of the Minimum Wages Act. The respondent management has not led any evidence as the workmen are not the employees for the purpose of Minimum Wages Act. Once it is held that the workmen are the employees

under the Minimum Wages Act, 1948, they are entitled to the minimum wages for the idle period. When the provisions of section 2(ii) are read with the provisions of section 20 of the Minimum Wages Act, it appears clear that they are entitled to the minimum wages at the time rate as fixed by the Government of Himachal Pradesh from time to time under the Minimum Wages Act. If these employees are not provided with the sufficient raw material, they become idle for no fault of their's. It is worth that they be paid the minimum wages for this period. All these weavers must be treated as skilled workers and as such they must be paid the minimum wages as fixed for the skilled workmen of their category on daily rate basis during the idle period when they do not get work because of the failure of the respondent management in supplying the raw material so as to enable them to earn their wages on piece rate basis. The concept of the wages under the Minimum Wages Act is not contractual but is statutory. The minimum wages as fixed under the Minimum Wages Act must be paid by the respondent for the relevant period.

From the perusal of the documents Ex. P-1 to Ex. P-12, it appears that the workmen are trying to get their minimum wages for the idle period right from the year, 1983. But the respondent management have not accepted their claim and has delayed the payment to be made to them. I, therefore, conclude that the workmen are entitled to the minimum wages for the idle period with effect from 1983 till to date. I am informed by the parties that the respondent management have got the complete record through the raw-material was not supplied to the workmen and they remained idle. However, they mark their presence even for these idle days. The wages so earned on the basis of their being skilled workmen for these idle days can be calculated by referring to the minimum wages fixed by the State Government during this period commencing from the financial year, 1983 till date by the respondent management. If there is any dissatisfaction, the concerned workmen can file an application under section 33(c) 2 of the Industrial Disputes Act, 1947 for getting his wages for the period from the Labour Court.

I, therefore, decide both these issues in favour of the claimants and against the respondent management.

RELIEF

In the result, I award that these 25 workmen of the respondent management are the employees for the purposes for getting the minimum wages. I award that all these 25 workmen will get their minimum wages for the idle days as skilled workmen of their category would have got during which they could not keep themselves engaged because of the non-supply of the raw material by the respondent management to manufacture the Shawls and Carpets.

I answer the reference made to this Court accordingly by making this award. Let a copy of this award be given to the parties free of costs.

The respondent management will pay the arrears of wages as directed above within the period of two months, failing which the claimants will be entitled to get their wages computed and recover in due process of law. No order as to costs of these proceedings. This award may be published in the Rajpatra.

S. S. KANWAR,
Presiding Officer,
Labour Court, 25-9-1987 Camp at
Dharamshala.

Before Shri S. S. Kanwar, Presiding Officer, Labour Court,
Himachal Pradesh

Case No. 17 of 1987

Gabrial India Workers Union, Parwanoo .. Petitioners.

Versus

Management of Gabrial India Ltd., Parwanoo
.. Respondent.

Shri P. L. Bery, Authorised Representative of the Petitioner.

S/Shri R. L. Gupta and V. K. Gupta, Authorised Representatives of the Respondent.

AWARD

The respondent management is a corporated company. It is in production business. There was a demand on the part of the employees for the increase in wages in or about July, 1986. The workmen resorted "to go slow" tactics in production. It is alleged that one Shri Hira Mishra, did not stop his machine sometime before the expiry of the period of his shift and in this way he was not co-operative with other workmen. The petitioners who are either the office holders or the active workers of the union, took Shri Hira Mishra apart and beat him inside the factory premises for not co-operating with the other workmen. This happened on 25-7-1986. Hira Mishra complained against the petitioners in writing and on the basis of this complaint, domestic enquiry was ordered to be held and Shri S. K. Hiraji, Advocate, Chandigarh was appointed as the Enquiry Officer. The charge-sheet was served on all the petitioners who have filed the replies and have denied the allegations levelled against them. The enquiries commenced. Hira Mishra was examined on 28-8-1986 in the enquiry proceedings against Shri J. C. Sharma, petitioner who was the General Secretary of the Union of Workmen. Hira Mishra has been cross-examined at length and all possible questions have been put to him. Hira Mishra did not oblige the workmen with favourable answers. Shri J. C. Sharma, petitioner workmen did not participate in enquiries thereafter and the proceedings are *ex parte* against him. The other petitioners also acted likewise and they did not participate in the enquiries against them, after Shri J. C. Sharma stopped appearing in the enquiry proceedings. The enquiry officer submitted his enquiry report against all the petitioners and these reports were considered by the Senior Vice-President of the company who had dismissed all the petitioners from service.

The petitioners raised an industrial dispute against their dismissals and the following question has been referred to this Court *vide* notification dated 10-3-1987:—

"Whether the dismissal of S/Shri J. C. Sharma, Token No. 1402, Vinod Kumar Malhotra, Token No. 1525, Sushil Kumar, Token No. 4216, Sant Ram Dhillon, Token No. 2107, and Anup Singh, Token No. 1417 from service by the management of M/s Gabrial India Ltd., Parwanoo, District Solan, Himachal Pradesh is justified and in order. If not, to what relief and amount of compensation the workmen are entitled to".

All the petitioners have filed their separate claim petitions, but these are almost similar in nature. All of them have raised similar pleas. It has been alleged that the complaint made by Shri Hira Mishra is false, wrong and concocted, and that no enquiry had been held against them and the petitioners have been illegally dismissed. It has also been stated that under the Standing Orders, only the Factory Manager could appoint the enquiry officer, could serve the charge-sheet and could impose punishment on the petitioners, but the Senior Vice-President of the company who had dismissed the petitioners had no authority to do so. It has further been alleged that in spite of their complaint that the enquiry officer was biased, he had not been changed and had been allowed to

hold the enquiries and that all the proceedings recorded by the enquiry officer are in fact a manipulation. It has also been alleged that the enquiry officer did not allow the petitioners to participate in the enquiry proceedings and to cross-examine the witnesses who appeared against them, nor the enquiry officer allowed them to produce defence witnesses. It has also been stated that a similar case was instituted in the Court of Sub-Divisional Magistrate, Solan about this very incident and the petitioners were acquitted. It has also been alleged that the enquiry officer appointed by the management was biased and had been openly telling the petitioners that they would be dismissed. It has also been stated that their participation in the enquiry proceedings were obstructed in as much as on some dates fixed for the enquiries, their entry in the factory and to the place of enquiry was obstructed. It has also been stated that the request of the petitioners for engaging a lawyer was declined by the enquiry officer and that the management had taken action against the petitioners in contraventions of the provisions of the Section 33(3) and 33(4) of the Industrial Disputes Act, 1947.

The respondent management had filed the replies to all these claim petitions and had controverted all the pleas raised by the petitioners. The appointment of the enquiry officer and the enquiry proceedings taken by him and the action of the Senior Vice-President dismissing the petitioners on the basis of the enquiry report has been justified.

From the averments of the parties, the following issues arose and have been framed:—

1. Whether the enquiry proceedings are vitiated on the grounds mentioned in the claim petition. If so, its grounds mentioned in the claim petition. If so, its effect? (OPP)
2. Whether the termination is invalid.
3. Relief.

FINDINGS

Issue No. 1 & 2.

Both these issues are inter-connected and are taken up together for the sake of convenience.

Shri J. C. Sharma, petitioner has appeared as PW-1. He has stated that he is the General Secretary of the Union of the workmen of the respondent management. According to him a complaint was made by Shri Hira Mishra against him and the other petitioners, but Hira Mishra had later on withdrawn the same *vide* his letter Ex. P-2. He has also stated that Hira Mishra had also sworn in an affidavit to the effect that he had withdrawn the complaint. But Hira Mishra had appeared during the enquiry proceeding and has been cross-examined at length by Shri J. C. Sharma, petitioner. He has explained that the documents Ex. P-2 and P-3 has been obtained under duress and coercion. It was proper for the petitioner and his companion to participate in the enquiry and offer their defence in accordance with law. If they were so advised. In these proceedings these facts can only be considered if the enquiry is re-opened and the management is directed to lead evidence to substantiate the order of dismissal. Without giving any opportunity to Hira Mishra as to how he has written Ex. P-2 and P-3 and after getting his explanation, the finding cannot be recorded about the withdrawal of the complaint by him. This part of the evidence does not help the petitioners at all.

It has further been stated by PW-1, J. C. Sharma, petitioner that he was charge-sheeted by the Factory Manager, Shri R. Mathur, but his services were terminated by Shri R. J. Batia, Senior Vice-President of the respondent. Shri R. Mathur has appeared as RW-2. He had admitted that he had been the Factory Manager during the relevant period and had issued the charge-sheet against the petitioners and had appointed the enquiry officer, but has stated that he was the Presenting Officer on behalf of the respondent management and therefore, he could not consider the enquiry

Report nor he could punish the petitioners and therefore, he forwarded the enquiry report to the Senior Vice-President without any comments and it was the Senior Vice-President who had considered the report and imposed the penalty on the petitioners. I see nothing wrong with the procedure adopted by the Factory Manager and the Senior Vice-President. After the consideration of the enquiry report punishment can be imposed either by the Manager or by the Management under the certified Standing Orders, the copy of which is Ex. R-10. The word 'Management' has been defined as meaning the Managing Director including the Vice-President, General Manager and Manager of the Factory.

Shri J. C. Sharma, PW-1 further states that during the enquiry proceedings when the evidence was being recorded, the enquiry officer was not making the true record of the statements made before him by the witnesses and that he protested and requested the enquiry officer to record whatever those witnesses were stating and that the enquiry officer told him that the proceedings were to be recorded by him and he was bound to record whatever the petitioner was asking him to record. Shri J. C. Sharma, petitioner has further stated that in these circumstances, he walked out from the enquiry proceeding under protest and did not participate later. He has also stated that on 28-8-1986, he requested orally the enquiry officer to permit him to lead defence evidence, but he did not allow this request. He has further stated that he has complained to the Senior Vice-President for the conduct of the enquiry officer and copy these complaints are Ex. P-5, P-6 and Ex. P-7, and that the Senior Vice-President rejected his request for the change of the enquiry officer *vide* his orders, the copy of which is Ex. P-8 and P-9. He has also stated that *vide* letter Ex. P-12 he intimated the respondent management the names of the office bearers of the workers union. In cross-examination, he has stated that he cross-examined Hira Mishra, but he was not allowed to cross-examine him fully. He has admitted that the enquiry officer has written a letter on 22-8-1986, the copy of which is Ex. R-1, asking him to participate in the enquiry. He has further stated that he went to the enquiry officer on 27-8-1986. The statement being made by the petitioner appears to be incorrect. He has further admitted that he was again called by the enquiry officer *vide* letter Ex. R-2 and that he went to the enquiry officer accordingly on 4-9-1986 but again the enquiry officer did not permit him to cross-examine the witnesses. Shri J. C. Sharma, Petitioner had made the complaint Ex. P-10 on 4-9-1986 and he has clearly admitted that in this complaint he had not stated that the enquiry officer did not allow him to cross-examine the witnesses either on 4-9-1986 or on 29-8-1986. Thus the stand taken up by the petitioner that the enquiry officer had not permitted him to cross-examine the witnesses is not tenable.

He has further admitted in his reply to the letter Ex. P-12, that he received no intimation from the respondent management. In fact the petitioners have not been able to prove that they had sent any intimation about the names of the office bearers of their union to the respondent management and seeking their resignation as being the protected workmen. The claim of the petitioners on the basis of their being protected workmen has not been established.

In accordance with the provisions of section 33(3) and 33(4), the rules have been framed by the State of Himachal Pradesh. These rules are known as Industrial Disputes Rules, 1974. Rule 65 reads as under:—

- (1) *Protected workmen*.—Every registered trade union connected with an industrial establishment, to which the Act applies, shall communicate to the employer before 30th September, every year, the names and addresses of such of the officers of the union who are employed in that establishment and who, in the opinion of the union should be recognised as "protected workmen". Any change in the incumbency of any such officer shall be communicated to the employer by the union within fifteen days of such changes.

(2) The employer shall subject to section 33, sub-section (4) recognise such workmen to the "protected workmen" for the purpose of sub-section (3) of the said section and communicate to the union in writing within fifteen days of the receipt of the names and address under sub-rule (1) the list of workmen recognised as protected workmen.

(3) Where the total number of names, received by the employer under sub-section (1) exceeds the maximum number of protected workmen, admissible for the establishment under section 33, sub-section (4), the employer shall recognise as protected workmen only such maximum number of workmen:

Provided that where there is more than one registered trade union in the establishment, the maximum number shall be so distributed by the employer among the unions that the numbers of recognised protected workmen in individual unions bear roughly the same proportion to one another as the membership figures of the unions. The employer shall in that case intimate in writing to the President or the Secretary of the Union the number of protected workmen allotted to it:

Provided further that where the number of protected workmen allotted to a union under this sub-rule falls short of the number of officers of the union seeking protection, the union shall be entitled to select the officers to be recognised as protected workmen. Such selection shall be made by the union and communicated to the employer within five days of of the receipt of the employer's letter.

(4) When a dispute arises between an employer and any registered trade union in any matter connected within the recognition of "Protected workmen" under this rule, the dispute shall be referred to the Conciliation Officer concerned for decision. An appeal against the decision of the Conciliation Officer shall lie to the Labour Commissioner, Himachal Pradesh whose decision thereon shall be final.

In this case the respondent management states that they received no such intimations. The petitioners have also not proved that intimation, the copy of which is Ex. P-12, was infact delivered to the respondent management. Further more, if for the sake of arguments, it is assumed that such intimation was sent to the respondent management, admittedly there is no reply from it to this intimation, the copy of which is Ex. P-12. If the petitioners want to get recognition as was not coming forth from the respondent management, they could have raised a dispute and could have proceeded in accordance with the provisions of Section 33 of the Industrial Disputes Act, 1947 and could have agitated their claim before the Conciliation Officer and in case the Conciliation Officer did not favour them with the appropriate order, they could have challenged the same in an appeal before the Labour Commissioner. But this procedure has not been adopted by the petitioners and they have not complied with the provisions of law and rule relevant to this part of their contention. The petitioners, therefore, cannot claim to be the protected workmen and as such they are not entitled to the protection provided to such workmen under Section 33 of the Industrial Disputes Act, 1947, of the Himachal Pradesh.

Further more, in the evidence led by the respondent management stated that the order of dismissal is based on the enquiry held against all the petitioners were submitted for approval. No approval has been brought on record and it appears that no approval was awaited. There was a settlement between the workmen and the respondent. Two copy of this settlement is Ex. P-1. This settlement was arrived at on 20-12-1986. The dismissal of the petitioners was one of the question on

which the settlement have been arrived at. This is contained in Ex. P-1 at page 7, para-2 which reads as under:—

The following 5 workmen who were dismissed from service after domestic enquiry on charges of misconduct shall not be taken back in service. Any final decision of the Courts in this matter will be binding on the management and the workmen :—

1. Shri J. C. Sharma, Token No. 1402.
2. Shri Vinod Kumar Malhotra, Token No. 1525.
3. Shri Sushil Kumar, Token No. 4216.
4. Shri Sant Ram Dhiman, Token No. 2107.
5. Shri Anup Singh, Token No. 1417.

The management agrees to take back in service the following workmen who were discharged after domestic enquiry as a gesture of good will on express understanding that they shall improve their attendance and not ask for any back wages. The period of absence shall be treated as Special Leave without wages. They will give back the money, if any, received as full and Final Settlement:—

1. Shri Gucharan Singh, Token No. 1505.
2. Shri Iqbal Singh, Token No. 3210.

This clearly shows that the management can if required to get approval has moved in for getting this approval of the dismissal. Although it has been observed above that no such approval was required.

Similar are the statements made by Shri Vinod Kumar petitioner PW-2, Shri Sushil Kumar petitioner, PW-4, and Shri Sant Ram petitioner, PW-5. All these petitioners have not participated in the enquiry proceedings after the submission of the reply to the charges, inspite of their being intimated that if they would not attend the proceedings, *ex-parte* enquiry will be held against them. But inspite of this warning of the enquiry officer, they have not participated in the enquiry. All these petitioners, therefore, cannot taken benefits out of their own wrong. They were ill advised and has wrongfully abstained from participating in the enquiry proceedings. They have not shown any cause for not appearing by the enquiry officer.

Anup Singh, petitioner has appeared as PW-3. He has also abstained from participating the enquiry and has stated that the statement of Shri Balbir Singh and other witnesses have already been recorded on 12-8-1986 in his absence and he was asked to sign these proceedings and that he objected and requested the enquiry officer to record the statement of the witnesses in his presence and that Shri Balbir Singh, Security Guard be summoned and cross-examined in his presence. He has further stated that Shri Balbir Singh was summoned and he was questioned about the incident, but he refused to support the respondent management and made a statement contrary to what had been given in writing. This stand taken by Anup Singh is not borne out from the record of the enquiry proceedings. The enquiry proceedings relating to Anup Singh are Ex. R-9. The proceedings recorded on 12-3-1986, which are being disputed by Anup Singh petitioner had been perused by me. Anup Singh was being represented by one Shri Hanuman Prashad. The enquiry officer had recorded the objection being raised by the Petitioner. This objection had been recorded at page 21 and 22. Statement of one of witnesses Capt. B. N. Malhotra has also been recorded at page 22. These proceedings have been cross-examined by Anup Singh himself and also by the Authorised Representative of the respondent management. The cross-examination of Capt. B. N. Malhotra is at page 23. Statement of Shri Balbir Singh, Security Guard had also been recorded at pages 23, 24 and 25. Anup Singh has admittedly signed the proceedings at page 22. When the statement of Shri Balbir Singh had been partly recorded at page 23, the proceedings at page 24 show that Anup Singh and his representative Hanuman Prashad had already been recorded and he was

asked to sign the proceedings and, therefore, he walked out and did not participate on 12-8-1986. This stand is not borne out from the record.

The respondent management has examined two witnesses to prove that the enquiry proceedings were conducted in accordance with the natural principles of justice and also in accordance with the Standing Orders and the rules framed. Shri S. K. Hiraji, Advocate, the enquiry officer had appeared as RW-1 and has categorically stated that he had held the enquiry against all the petitioners properly and recorded these proceedings correctly and that the petitioners refused to participate in the enquiry without any reason and that he had intimated them in writing and sent the intimation through registered post stating that if they do not appear to participate the enquiry, *ex parte* proceedings would be recorded against them. He has also stated that in spite of this intimation, the petitioners did not participate in the proceedings after their walkout and he recorded *ex parte* evidence and submitted the reports to the respondent management. Shri S. K. Hiraji, RW-1, had been cross-examined at length but nothing favourable to the petitioner has been brought on record. There are no basis whatsoever in this plea that Shri S. K. Hiraji, RW-1 was biased against the petitioners or was to submit to the dictates of the respondent management. The statement of RW-1, Shri S. K. Hiraji has been corroborated by Shri Ravinder Mathur, RW-2, Shri Mathur was the Factory Manager at the relevant time. On the receipt of the complaint from Hira Mishra and after holding the preliminary verbal enquiries, he charge-sheeted the petitioners and appointed the enquiry officer. As he was the Presenting Officer on behalf of the respondent management, on the receipt of the enquiry report, he had offered no comments on the report and had submitted the same to the Senior Vice-President. The Senior Vice-President had perused the record and thereafter issued the orders of dismissal against the petitioners.

From this evidence on record, it can be inferred that the enquiry proceedings against the petitioners were in accordance with the principle of natural justice. The petitioners have submitted the replies to the charge-sheet served on them. Hira Mishra, who was beaten by the petitioners inside the factory premises had appeared as witness in the enquiry proceedings held against Shri J. C. Sharma, the copy of which is Ex. R-6. He has made the statements against all the petitioners on 19-8-1986, 20-8-1986 and 21-8-1986 and was cross-examined at length. It appears that Shri J. C. Sharma became apprehensive of the result of the enquiry being against him and other petitioners because of the statement made by Hira Mishra and because of this apprehension, he appears to have consulted the other petitioners and all of them decided to abstain from enquiry. The enquiry has been held against them *ex-parte* and all the witnesses supported the version of Shri Hira Mishra had also been examined in all the enquiry proceedings recorded against the petitioner. I find no justification for the petitioners to abstain from the enquiry proceedings. They cannot be allowed to take benefit of their own wrong. The enquiry officer is a respectable person being an Advocate of Punjab High Court and having an experience of about 24 years of his practice at the Bar. He is not expected to side with the respondent management and to do things which are not justified. There is absolutely no material on record to show that the enquiry officer was biased or was siding with the respondent.

Industrial adjudication normally discourages the practice of workmen refusal to participate in domestic enquiry or to withdraw from the enquiries without any reasonable grounds or taken up reasonable and undesirable attitude. Reference in this regard may be made to 1967 (II) LLJ 46 at page 57 (Supreme Court); Northern Raily Co-operative Credit Society Ltd., vs. Industrial Tribunal, Jaipur.

The principles of natural justice required that the notice of enquiry should be given to the concerned person.

There principles do not require that even after giving the notice, if the workmen remains absent, the enquiry should not be held in his absence. In the present case, the petitioners have absented themselves from the enquiry without any cause. All the petitioners withdraw from the enquiry held against them after the statement of Shri Hira Mishra recorded in the enquiry against Shri J. C. Sharma, Petitioner, apparently they have done so on the assumptions that on the basis of statements made by Shri Hira Mishra their fate in the enquiry was sealed and they though it fit to abstain from participating the proceedings. The enquiry officer was within his right to conclude the enquiry *ex parte*. The reports submitted by the enquiry Officer has been gone through by me. The validity of the enquiry has been challenged but not successfully. The *ex-parte* proceedings taken by the enquiry officer is justified in view of the circumstances obtaining in this case. The petitioner could have participated in the enquiries and could have substantiated their cases if they had any. But they have not done so. They have not even examined themselves in their defence. I have perused the reports. I find nothing wrong in the conclusion recorded therein. The reports are neither perverse nor the conclusions are without evidence. The reports are reasoned and cannot be quashed or set-aside on the grounds which are usually available was setting the reports in the domestic enquiry.

The petitioners have examined S/Shri Ranjit Singh, PW-6, Karam Chand, PW-7, Hyder Ali, PW-8, Prithi Singh, PW-9, Gurmikh Singh, PW-10, Balbir Singh, PW-11, Tan Singh, PW-12, Parmod Kumar, PW-13, Kulbhushan, PW-14 and Hanuman Prashad, PW-15, They have tried to prove that no incident about the beating of Shri Hira Mishra ever took place as is being alleged by the respondent management. The statement of these witnesses have been recorded subject to the objection of the respondent, these evidences is not admissible in this evidence at this stage and that this can be admissible only if the enquiry is re-opened. In that event, both the management and as well as the petitioners will be entitled to lead evidence in support of their contentions. I think this objection is valid and the statements of the aforesaid witnesses, at this stage, on these circumstances cannot be taken into consideration. Such evidence can be taken into consideration only if enquiry held by the respondent management is quashed and set-aside and the respondent management is allowed to substantiate the grounds on which the dismissal order against the petitioners have been passed. In that event, the petitioners will also be allowed to lead evidence to rebut the evidence led by the respondent management in order to substantiate the order of dismissal. The evidence so led by the petitioners is not relevant and therefore, cannot be taken into record. Reference in this regard may be made to 1973 (1) LLJ 278, Workmen of M/s Firestone Tyres and Rubber Co., vs. Management (Supreme Court).

Taking into consideration, the gravity of the misconduct committed by the petitioners in beating a co-worker inside the factory premises, I think for this indiscipline/misconduct, they have been punished properly. This punishment cannot be termed as extremely harsh, unjust and wholly disproportionate. In the present case, I do not think any interference is called for, I, therefore, refrain from interfering in this case although I am aware of the powers of the Labour Court under section 11 of the Industrial Disputes Act, 1947.

I decide both these issues accordingly.

RELIEF

In view of the aforesaid considerations, I find that the dismissal of the petitioners from service by the respondent management is justified and in order. The petitioners are not entitled to any relief or any amount of compensation in this case. I award accordingly. Let this award be published in the Rajpatra. No costs. The copy of this award be supplied, if applied for, to the parties, free of costs.

S. S. KANWAR,
Presiding Officer Labour Court,
26-9-1987 Camp at Dharamshala.

बहुदेशीय परियोजनाएं एवं शक्ति विभाग

अधिसूचनाएं

शिमला-2, 3 दिसम्बर, 1987

संख्या विद्युत-छ(5)-16/87.—यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि राष्ट्रीय जल विद्युत परियोजना निगम सीमित (एन० एच० पी० सी०) जोकि भूमि अर्जन अधिनियम, 1894 (1894 का पहला अधिनियम) की धारा 3 के खण्ड (सी० सी०) के अर्थान्तर्गत सरकार के स्वामित्व और नियन्त्रण के अधीन एक निगम है, के द्वारा अपने व्यय पर सार्वजनिक प्रयोजन के लिए मोहाल गण्ड्यार ह० नं० 65 तहसील भटियात, जिला चम्बा में चमेरा जल विद्युत परियोजना हेतु विद्युत उप-केन्द्र के निर्माण हेतु भूमि ली जानी अपेक्षित है। अतएव एतद्वारा यह घोषित किया जाता है कि निम्नलिखित विस्तृत विवरणी में वर्णित भूमि उपर्युक्त प्रयोजन के लिए अपेक्षित है।

2. भूमि अर्जन अधिनियम, 1894 की धारा 6 के उपबन्धों के अधीन सभी सम्बन्धित व्यक्तियों के लिए यह घोषणा की जाती है और उक्त अधिनियम की धारा 7 के उपबन्धों के अधीन भूमि अर्जन समाहर्ता, चमेरा जल विद्युत परियोजना, चम्बा को एतद्वारा उक्त भूमि के अर्जन के लिए आदेश लेने का निदेश दिया जाता है।

3. भूमि का रेखांक, भू-अर्जन अधिकारी, चमेरा जल विद्युत परियोजना हिलफूट्स डाकघर सुलतानपुर चम्बा के कार्यालय में निरीक्षण किया जा सकता है।

विनिर्देश

जिला : चम्बा		तहसील : भटियात	
गांव/मोहाल	खसरा नं०	क्षेत्र	
1	2	बी०	बि०
		3	4
गन्धार	68/1	0	11
हदबगत नं० 65	70	0	11
	71	0	7
	74/2	0	4
	75	0	5
	76	0	4
	78/1	0	8
किता . .	7	2	10

शिमला-2, 3 दिसम्बर, 1987

संख्या विद्युत-छ(5)-36/84—यतः राज्यपाल, हिमाचल प्रदेश को यह प्रतीत होता है कि व्यास निर्माण बोर्ड जोकि भूमि अर्जन अधिनियम, 1894 (1894 का पहला अधिनियम) की धारा 3 के खण्ड (सी० सी०) के अर्थान्तर्गत सरकार के स्वामित्व और नियन्त्रण के अधीन एक निगम है के द्वारा अपने व्यय पर सार्वजनिक प्रयोजन नामतः व्यास परियोजना के लिए मोजा नंगल उपरला, ह० नं० 78, तहसील नालागढ़, जिला सोलन में व्यास निर्माण बोर्ड (पावर विंग) 400 के० बी० डेहर-पानीपत लाईन के टावर संख्या 161 व 163 के निर्माण हेतु भूमि अर्जित करनी अपेक्षित है। अतएव एतद्वारा यह अधिसूचित किया जाता है कि उक्त परिक्षेत्र में जैसा कि नीचे विवरणी में निदिष्ट किया गया है, उपरोक्त प्रयोजन के लिये भूमि का अर्जन अपेक्षित है।

2. यह अधिसूचना ऐसे सभी व्यक्तियों को जो इससे सम्बन्धित हो सकते हैं, की जानकारी के लिए भूमि अर्जन अधिनियम, 1894 की धारा 4 के उपबन्धों के अन्तर्गत जारी की जाती है।

3. पूर्वोक्त धारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राज्यपाल, हिमाचल प्रदेश, इस समय इस उपक्रम में कार्यरत अधिकारियों, उनके कर्मचारियों और श्रमिकों को इलाके में किसी भी

भूमि में प्रवेश करने तथा सर्वेक्षण करने और उस धारा द्वारा अपेक्षित अथवा अनुमत सभी अन्य कार्यों को करने के लिए सहर्ष प्राधिकार देते हैं।

4. कोई भी ऐसा हितबद्ध व्यक्ति जिसे उक्त परिक्षेत्र में कथित भूमि के अर्जन करने पर कोई आपत्ति हो, वह इस अधिसूचना के प्रकाशित होने के 30 दिन की अवधि के भीतर लिखित रूप में भू-अर्जन समाहर्ता, व्यास सतलुज लिंक परियोजना, मण्डी, हिमाचल प्रदेश के समक्ष अपनी आपत्ति दायर कर सकता है।

विवरण

जिला : सोलन		तहसील : नालागढ़	
गांव	खसरा नं०	क्षेत्र	
		बी०	बि० टावर सं०
1	2	3	4
नंगल उपरला	172/1	0	4 161
ह० नं० 78	220/1	0	4 163
किता . .	2	0	8

शिमला-171002, 3 दिसम्बर, 1987

संख्या विद्युत-छ(5)-59/86-II.—यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि राष्ट्रीय पन विद्युत परियोजना निगम सीमित (एन० एच० पी० सी०) जोकि भूमि अर्जन अधिनियम, 1894 (1894 का पहला अधिनियम) की धारा 3 के खण्ड (सी० सी०) के अर्थान्तर्गत सरकार के स्वामित्व और नियन्त्रण के अधीन एक निगम है, के द्वारा अपने व्यय पर सार्वजनिक प्रयोजन नामतः मोहाल संजपोई, ह० नं० 41, तहसील भटियात, जिला चम्बा में चमेरा पन विद्युत परियोजना के लिए बैचिंग एवं एग्जिगेट प्लांट के निर्माण हेतु भूमि अर्जित की जानी अत्यावश्यक अपेक्षित है। अतएव एतद्वारा यह घोषित किया जाता है कि निम्नलिखित विस्तृत विवरणी में वर्णित भूमि उपरोक्त प्रयोजन के लिए अपेक्षित है।

2. यह अधिसूचना ऐसे सभी व्यक्तियों को, जो इससे सम्बन्धित हो सकते हैं, की जानकारी के लिए भूमि अर्जन अधिनियम, 1894 की धारा 4 के उपबन्धों के अन्तर्गत जारी की जाती है।

3. पूर्वोक्त धारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राज्यपाल, हिमाचल प्रदेश, इस समय इस उपक्रम में कार्यरत सभी अधिकारियों, उनके कर्मचारियों और श्रमिकों को इलाके की किसी भी भूमि में प्रवेश करने और सर्वेक्षण करने और उस धारा द्वारा अपेक्षित अथवा अनुमत अन्य सभी कार्यों करने के लिए सहर्ष प्राधिकार देते हैं।

4. अत्याधिक आवश्यकता को दृष्टि में रखते हुए, राज्यपाल, हिमाचल प्रदेश उक्त अधिनियम की धारा 17 की उप-धारा (4) के अधीन यह भी निर्देश देते हैं कि उक्त अधिनियम की धारा 5ए के उपबन्ध इस मामले में लागू नहीं होंगे।

विवरणी

जिला : चम्बा		तहसील : भटियात	
मोहाल	खसरा नं०	क्षेत्र	
1	2	बी०	बिस्वा
		3	4
संजपोई	3	1	15
ह० नं० 41	4	0	7
	5	0	7
	6	1	2
	7	0	12
	8	1	12

1	2	3	4
	9	0	9
	10	1	5
	11	0	17
	12	0	18
	13/2	1	7
	70/14	0	9
	16/2	1	1
	18	1	11
	19	2	9
	20	1	3
	21	1	2
	22	1	14
	23	0	11
	24	0	19
कित्ता ...	20	21	10

शिमला-2, 5 जनवरी, 1988

संख्या विद्युत-छ(5)-27/87.—यतः राज्यपाल, हिमाचल प्रदेश को यह प्रतीत होता है कि हिमाचल प्रदेश राज्य विद्युत बोर्ड जोकि भूमि अर्जन अधिनियम, 1894 (1894 का पहला अधिनियम) की धारा 3 के खण्ड (सी0 सी0) के अर्थान्तर्गत सरकार के स्वामित्व और नियन्त्रण के अधीन एक निगम है, के द्वारा अपने व्यय पर सार्वजनिक प्रयोजन नामतः मुहाल मैटी, तहसील व जिला कांगड़ा, हिमाचल प्रदेश में गज पन विद्युत परियोजना के लिए सड़क के निर्माण हेतु भूमि अर्जित करनी अपेक्षित है। अतएव एतद्वारा यह अधिसूचित किया जाता है कि उक्त परिक्षेत्र में जैसा कि नीचे विवरणी में निदिष्ट किया गया है, उपरोक्त प्रयोजन के लिए भूमि का अर्जन अपेक्षित है।

2. यह अधिसूचना ऐसे सभी व्यक्तियों को जो इससे सम्बन्धित हो सकते हैं की जानकारी के लिए भूमि अर्जन अधिनियम, 1894 की धारा 4 के उपबन्धों के अन्तर्गत जारी की जाती है।

3. पूर्वोक्त धारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राज्यपाल, हिमाचल प्रदेश, इस समय इस उपक्रम में कार्यरत अधिकारियों, उनके कर्मचारियों और श्रमिकों को इलाके की किसी भी भूमि में प्रवेश करने तथा सर्वेक्षण करने और उस धारा द्वारा अपेक्षित अथवा अनुमत अन्य सभी कार्यों को करने के लिए सहर्ष प्राधिकार देते हैं।

4. कोई भी ऐसा हितबद्ध व्यक्ति, जिसे उक्त परिक्षेत्र में कथित भूमि के अर्जन करने पर कोई आपत्ति हो वह इस अधिसूचना के प्रकाशित होने के तीस दिनों की अवधि के भीतर लिखित रूप में भू-अर्जन समाहर्ता, हिमाचल प्रदेश राज्य विद्युत बोर्ड, मण्डी, जिला, मण्डी हिमाचल प्रदेश के समक्ष अपनी आपत्ति दायर कर सकता है।

विवरणी

जिला : कांगड़ा

तहसील : कांगड़ा

मोहाल	खसरा नं०	क्षेत्र हैक्टेयर
1	2	3 4 5
मैटी	296/1	0 04 40
	300/1	0 02 99
	574/1	0 03 99
	521/1	0 03 01
	190/1	0 01 26
	303/1	0 01 61
	305/1	0 00 09

1	2	3	4	5
	507/1	0 00	86	
	576/1	0 00	44	
	573/1	0 00	92	
	114/1	0 00	09	
	141/1	0 00	42	
	123/1	0 00	34	
	124/1	0 00	32	
	127/1	0 00	25	
	128/1	0 00	14	
	139/1	0 00	24	
	140/1	0 00	84	
	191/1	0 00	48	
	192/1	0 00	70	
	510/1	0 00	01	
	508/1	0 00	26	
	822/2/1	0 02	52	
	826/2/2	0 06	95	
	825/2/1	0 00	80	
	823/2/1	0 00	57	
	824/2/23/1	0 00	86	
	824/2/15/1	0 00	94	
	824/2/14/1	0 00	72	
	828/2/20/1	0 02	00	
	828/2/24/2 1	0 01	50	
	824/2/1	0 00	50	
	824/2/22/1	0 00	08	
कित्ता ...	33	0 47	10	

शिमला-2, 13 जनवरी, 1988

संख्या विद्युत-छ(5)-80/86.—यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश राज्य विद्युत परिषद्, जो कि भूमि अर्जन अधिनियम, 1894 (1894 का पहला अधिनियम) की धारा 3 के खण्ड (सी0 सी0) के अर्थान्तर्गत सरकार के स्वामित्व और नियन्त्रण के अधीन एक निगम है, के द्वारा अपने व्यय पर सार्वजनिक प्रयोजन नामतः ग्राम शाह, तहसील रामपुर, जिला शिमला में नाथपा झाकड़ी पन विद्युत परियोजना के लिए सड़क साफ्ट और पोर्टल आडिट तक पहुंच सड़क के निर्माण हेतु भूमि ली जानी अपेक्षित है, अतएव एतद्वारा यह घोषित किया जाता है कि निम्नलिखित विवरणी में वर्णित भूमि उपरोक्त प्रयोजन के लिए अपेक्षित है।

2. भूमि अर्जन अधिनियम, 1894 की धारा 6 के उपबन्धों के अधीन सभी सम्बन्धित व्यक्तियों की सूचना के लिए यह घोषणा की जाती है और उक्त अधिनियम की धारा 7 के उपबन्धों के अधीन भू-अर्जन समाहर्ता, हिमाचल प्रदेश राज्य विद्युत बोर्ड, थिसिल बैंक, शिमला-3 को उक्त भूमि के अर्जन को करने के आदेश देने का एतद्वारा निर्देश दिया जाता है।

3. भूमि का रेखांक भू-अर्जन समाहर्ता, हिमाचल प्रदेश राज्य विद्युत बोर्ड, थिसिल बैंक, शिमला-3 के कार्यालय में निरीक्षण किया जा सकता है।

विवरणी

जिला : शिमला

तहसील : रामपुर बुशहर

ग्राम	खसरा नं०	क्षेत्र हैक्टेयर
1	2	3 4 5
शाह	69	0 01 74
	70/1	0 05 74

1	2	3	4	5
	70/2	0	02	30
	67/1	0	06	07
	71	0	06	32
	73/1	0	08	23
	74/1	0	10	63
	56/1	0	09	78
	57	0	00	64
	30/1	0	02	40
	42/1	0	04	56
	62/1	0	07	21
	63/2	0	00	52
	63/1	0	07	86
	89/1	0	08	91
	90/1	0	09	20
	93/1	0	00	79
	68/1	0	00	60
	91/1	0	06	47
	567/1	0	20	77
	580/1	0	05	11
	582/1	0	02	73
	585/1	0	12	18
	583/1	0	04	85
	586/1	0	08	22
	584/1	0	00	63
	647/1	0	06	37
	584/2	0	00	26
	648/1	0	09	90
	646/1	0	04	20
	646/2	0	01	50
	649/1	0	07	56
	644	0	00	72
	645	0	30	88
किता	34	2	15	85

आदेश द्वारा,
कैलाश चन्द महाजन,
सचिव।

लोक निर्माण विभाग

अधिसूचना

शिमला-2, 8 जनवरी, 1988

सख्या लो० नि० (ख) 7(1)-52/87.—यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार को अपने व्यय पर सार्वजनिक प्रयोजन के लिए नामतः चैल मौजा धार, तहसील चच्चोट, जिला मण्डी में चैल जंजहली सड़क के निर्माण हेतु भूमि अर्जित करनी अपेक्षित है। अतएव एतद्वारा यह अधिसूचित किया जाता है कि उक्त परिक्षेत्र में जैसा कि निम्न विवरणी में निर्दिष्ट किया गया है उपरोक्त प्रयोजन के लिए भूमि का अर्जन अपेक्षित है।

यह अधिसूचना ऐसे सभी व्यक्तियों को जो इससे सम्बन्धित हो सकते हैं की जानकारी के लिए भूमि अर्जन अधिनियम, 1894 की धारा 4 के उपबन्धों के अन्तर्गत जारी की जाती है।

पूर्वोक्त धारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राज्यपाल, हिमाचल प्रदेश इस समय इस उपक्रम में कार्यरत सभी अधिकारियों,

उनके कर्मचारियों और श्रमिकों को हलाके की किसी भूमि में प्रवेश करने और सर्वेक्षण करने और उस धारा द्वारा अपेक्षित या अनुमत अन्य सभी कार्यों को करने के लिए सहर्ष प्राधिकार देते हैं।

कोई भी हितबद्ध व्यक्ति, जिसे उक्त परिक्षेत्र में कथित भूमि के अर्जन पर कोई आपत्ति हो, तो वह इस अधिसूचना के प्रकाशित होने के तीस दिन की अवधि के भीतर लिखित रूप में भू-अर्जन लो० नि० विभाग मण्डी के समक्ष, अपनी आपत्ति दायर कर सकता है।

Authoritative English text of this Govt. Notification लो० नि० (सं) (1) 52/87 dated 8-1-88 as required under Clause (3) of Article 348 of the Constitution.

PUBLIC WORKS DEPARTMENT

NOTIFICATION

Shimla-2, the 8th January, 1988

No. PBW(B&R)(B)7(1)52/87.—Whereas it appears to the Governor, Himachal Pradesh that land is likely to be required to be taken by the Himachal Pradesh Government at the public expense for a public purpose, namely for construction of Chail-Janjehli road in village Dhar, Tehsil Chachiot, District Mandi, it is hereby notified that land in the locality described below is likely to be acquired for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaken with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested, who has any objection to the acquisition of the said land in the locality may, within thirty days of the publication of this notification, file an objection in writing before the Collector of Land Acquisition, Himachal Pradesh, Public Works Department, Mandi.

विवरणी SPECIFICATION

जिला : मण्डी
District: MANDI

तहसील : चच्चोट
Tehsil: CHACHIOT

मौजा Village	खसरा नं० Khasra No.	क्षेत्र Area वी० बि० बिस्वा० Big. Bis. Bisw.		
1	2	3	4	5
धार DHAR	52/1 54/1	0 0	9 4	9 3
Kitta	2	0	13	12

By order,
Sd/-
Secretary.

भाग 2—वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएं इत्यादि

AGRICULTURE DEPARTMENT

NOTIFICATION

Shimla-2, the 3rd December, 1987

No. 6-11/73-Agr-III.—In exercise of the powers vested in me vide rule 1.26 of the Himachal Pradesh Financial Rules, Vol. I (1971), and Rule 191 of S. R., I hereby declare the following officers as Head of Offices/Drawing and Disbursing Officers and Controlling Officers to countersign the T. A. and medical claims of Class II and III staff under Training and Visit Scheme with

immediate effect in the public interest:—

Sl. No.	Name of officers	Head of Account
1.	D.D.A., Shimla/ Bilaspur/Hamirpur/ Una/Kullu/Chamba/ Solan and Nahan.	“2401—Crop Husbandry, 10—Agriculture Extension Agency (T & V. Scheme) Plan.
2.	The P.O.I. A.D.P., Mandi/Kangra.	

Sd/-

Director.

कार्यालय उपायुक्त, चम्बा, जिला चम्बा

कार्यालय आदेश

चम्बा-176310, 26 दिसम्बर, 1987

संख्या पंच चम्बा ए(16)11/85-II—हिमाचल प्रदेश पंचायती राज अधिनियम, 1968 व उसके अन्तर्गत बनाए गए नियम में, प्रदत्त शक्तियों का प्रयोग करते हुए मैं, सरोजिनी ठाकुर, उपायुक्ता, चम्बा, विभिन्न पंचायतों के रिक्त स्थानों की घोषणा करती हूँ। व्योरा नीचे दिया गया है :—

क्रम संख्या	विकास खण्ड का नाम	नाम ग्राम पंचायत	नाम व पद पंचायत पदाधिकारी	कारण
1	2	3	4	5
1.	सलूणी	भान्दल	श्री विन्दरो राम, पंच, वार्ड संख्या 4	त्याग-पत्र
2.	"	ठाकरीमठी	श्री देश राज, पंच, वार्ड संख्या 2	"
3.	"	दरेकड़ी	श्री प्रकाश चन्द, प्रधान	"
4.	"	डियूर	श्री राम कृष्ण, पंच, वार्ड संख्या	"
5.	"	भुनाड़	श्री वृज लाल, पंच, वार्ड संख्या 5	"
6.	भटियात	टुण्डी	श्री जिगरी राम, पंच, वार्ड संख्या 1	"
7.	"	चलाड़ी	श्री मोती राम, पंच, वार्ड संख्या	मृत्यु
8.	"	पधरोटू	श्री वीरा राम, पंच, वार्ड संख्या 4	"
9.	"	धुलारा	श्री चन्दा सिंह, उप-प्रधान	"
10.	"	वाथरी	श्री अमर नाथ, प्रधान	"
11.	चम्बा	डुलाहर	श्री आलम राम, प्रधान	"
12.	पांगी	साहली	श्री लेख राज, पंच, वार्ड संख्या 2	त्याग-पत्र

स० ठाकुर

उपायुक्त, चम्बा, जिला चम्बा।

भाग 3—अधिनियम, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश हाई कोर्ट, फाइनेन्शियल कमिशनर तथा कमिशनर आफ इन्कम टैक्स द्वारा अधिसूचित आदेश इत्यादि

CO-OPERATION DEPARTMENT

NOTIFICATIONS

Shimla-171002, the 15th May, 1986

No. 1-155/69-Co-op. (S).—In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor, Himachal Pradesh in consultation with the Himachal Pradesh Public Service Commission is pleased to make the following Recruitment and Promotion Rules in respect of the Class III posts, Superintendents Grade-IV in the Department of Co-operation, Himachal Pradesh as per Annexure to this notification:—

1. **Short title and commencement.**—(i) These rules may be called the Himachal Pradesh Class III Services Superintendents Grade-IV Recruitment and Promotion Rules, 1986.
(ii) These shall come into force with immediate effect.

2. **Repeal and savings.**—All the previous Recruitment and Promotion Rules, together with amendments

thereto, made from time to time, in respect of the posts of Superintendent Grade-IV shall stand repealed with immediate effect:

Provided that anything done or any action taken under the rules so repealed shall be deemed to have been taken or made under the corresponding provisions of these rules.

ANNEXURE-I

RECRUITMENT AND PROMOTION RULES FOR THE POST OF SUPERINTENDENT GRADE IV IN THE DEPARTMENT OF CO-OPERATION IN H. P. GOVERNMENT

1. Name of the post	Superintendent Grade-IV.
2. Number of posts	21.
3. Scale of pay	Rs. 620—1200.
4. Classification	Class-III (Non-Gazetted).

5. Whether selection post or non-selection post. Non-Selection.
6. Age for direct recruits. Not applicable.
7. Minimum educational and other qualifications required for direct recruits. Not applicable.
8. Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees. Not applicable.
9. Period of probation, if any. Two years subject to such further extension for a period not exceeding one year as may be ordered by the competent authority in special circumstances and for reasons to be reduced to writing.
10. Method of recruitment, whether by direct recruitment or by promotion, deputation/transfer and the percentage of vacancies to be filled by various methods. 100% by promotion.
11. In case of recruitment by promotion, deputation/transfer, grades from which promotions, deputation/transfer to be made. By promotion from amongst Assistants in the scale of Rs. 600—1120 with at least three years regular or regular combined with *ad hoc* (rendered upto 31-12-83) as such and Senior Scale Stenographer in the scale of Rs. 600—1120 plus Rs. 40/- Special Pay with at least three years regular or regular combined with *ad hoc* (rendered upto 31-12-83) service as such.

Note:—For purpose of promotion a combined seniority of eligible Assistants and Senior scale Stenographers will be prepared based on length of service in the respective grades, inter-se seniority to be disturbed.

12. If a Departmental Promotion Committee exists, what is its composition. As may be constituted by the Government from time to time.
13. Circumstances under which the Himachal Pradesh Public Service Commission is to be consulted in making recruitment. As required under the law.
14. Where the Government is of the opinion that it is necessary or expedient to do so, it may, by order, for reasons to be recorded in writing and in consultation with the Himachal Pradesh Public Service Commission, relax any of the provisions of these rules with respect to any class or category or persons or posts.
15. Provisions of columns 10 and 11 are to be revised by the Government in consultation with the Commission as and when the number of posts under column 2 are increased or decreased.
16. (i) In all cases of promotion, *ad hoc* service rendered in the feeder post upto 31-12-1983, if any, prior to the regular appointment to the post shall be taken into account towards the length of service as prescribed in these rules for promotion subject to the condition:—
(a) That in all cases where a junior person becomes eligible for consideration by virtue of his total length of service (including *ad hoc* service

rendered upto 31-12-1983) in the feeder post in view of the provisions referred to above, all persons senior to him in the post/category/cadre shall be deemed to be eligible for consideration and placed above the junior person in the field of consideration:

Provided that all incumbents to be considered for promotion shall possess the minimum qualifying service of at least three years or that prescribed in the Recruitment and Promotion Rules, whichever is less:

Provided further that where a person becomes ineligible to be considered for promotion on account of the requirements of the preceding proviso, the person(s) junior to him shall also be deemed to be ineligible for consideration for such promotion.

(ii) Similarly, in all cases of confirmation, *ad hoc* service rendered in the post upto 31-12-1983, if any, prior to the regular appointment against such post, shall be taken into account towards the length of service,

(iii) *Ad hoc* service rendered after 31-12-1983 shall not be taken into account for confirmation/promotion purposes:

Provided that the *inter-se* seniority as a result of confirmation after taking into account *ad hoc* service shall remain unchanged.

Shimla-171002, the 15th May, 1986

No. 1-155/69-Co-op. (S).—In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor, Himachal Pradesh in consultation with the Himachal Pradesh Public Service Commission, is pleased to make the following Recruitment and Promotion Rules in respect of the Class-III, posts, Accountants in the Department of Co-operation, Himachal Pradesh as per Annexure to this notification:—

1. **Short title and commencement.**—(i) These rules may be called the Himachal Pradesh Class-III Services Accountants Recruitment and Promotion Rules, 1986.

(ii) These shall come into force with immediate effect.

2. **Repeal and savings.**—All the previous Recruitment and Promotion Rules, together with amendments thereto made from time to time, in respect of the posts of Accountants shall stand repealed with immediate effect:

Provided that anything done or any action taken under the rules so repealed shall be deemed to have been taken or made under the corresponding provisions of these rules.

ANNEXURE-I

RECRUITMENT AND PROMOTION RULES FOR THE POSTS OF ACCOUNTANT CLASS III (NON-GAZETTED IN THE DEPARTMENT OF CO-OPERATION

- | | |
|--|--------------------------------|
| 1. Name of the post | Accountant. |
| 2. Number of posts | 15 (Fifteen). |
| 3. Scale of pay | Rs. 570—1080. |
| 4. Classification | Class-III (Non-Gazetted). |
| 5. Whether selection post or non-selection post. | Non-Selection. |
| 6. Age for direct recruits. | Between 18 years and 32 years. |

7. Minimum educational and other qualifications required for direct recruits. *Essential:* B. Com. Degree from any recognised University or its equivalent. *Desirable:* Knowledge of customs, manners and dialects of Himachal Pradesh and suitability for appointment in the peculiar conditions prevailing in the Pradesh.
8. Whether age and educational qualifications prescribed for direct recruits will apply in the case of the promotees. No
9. Period of probation, if any. Two years subject to such further extension for a period not exceeding one year as may be ordered by the competent authority in special circumstances and for reasons to be reduced to writing.
10. Method of recruitment, whether by direct recruitment or by promotion, deputation/transfer and the percentage of vacancies to be filled in by various methods. 33-1/3% by direct recruitment. 66-2/3% by promotion.
11. In case of recruitment by promotion, deputation/transfer, grades from which promotions, deputation/transfer to be made. By promotion from amongst the Clerks having at least five years regular service or regular combined with *ad hoc* (rendered upto 31-12-1983) service as such.
12. If a Departmental Promotion Committee exists, what is its composition. As may be constituted by the Government from time to time.
13. Circumstances under which the Himachal Pradesh Public Service Commission is to be consulted in making recruitment. As required under the law.
14. Relaxation clause Where the Government is of the opinion that it is necessary or expedient to do so, it may by order, for reasons to be recorded in writing and in consultation with the Himachal Pradesh Public Service Commission, relax any of the provisions of these rules with respect to any class or category of persons or post.
15. A candidate for appointment to any service or post must be:—
 - (a) a citizen of India, or
 - (b) a subject of Nepal, or
 - (c) a subject of Bhutan, or
 - (d) a Tibetan refugee who came over to India before the 1st January, 1962 with the intention of permanently settling in India; or
 - (e) a person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka, East African countries of Kenya, Uganda, the United Republic of Tanzania (formerly Tanganyika and Zanzibar) Zambia, Malawi,

Zaire and Ethiopia with the intention of permanently settling in India:

Provided that a candidate belonging to categories (b), (c), (d) and (e) shall be a person in whose favour a certificate of eligibility has been issued by the Government of India/State Government.

A candidate in whose case a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the Himachal Pradesh Public Service Commission or other recruiting authority, but the offer of appointment may be given only after the necessary eligibility certificate has been issued to him by the Government of India/Government of Himachal Pradesh.

16. Upper age limit for direct recruits will not be applicable to the candidates already in service of the Government.

17. Upper age limit is relaxable for Scheduled Castes/Tribes-candidates and other categories of persons to the extent permissible under the general or special orders of the Himachal Pradesh Government.

18. Age limit for direct recruits will be reckoned from the last date fixed for receipt of applications/receipt of lists of eligible candidates from Employment Exchanges by the Commission.

19. Age and experience for direct recruits relaxable at the discretion of the Commission in the case of candidates otherwise well qualified.

20. Provisions of columns 10 and 11 are to be revised by the Government in consultation with the Commission as and when the number of posts under column 2 are increased or decreased.

21. Selection for appointment to these posts in the case of direct recruitment, shall be made on the basis of *viva voce* test, if the Commission so consider necessary or expedient by a written test, the standard/syllabus etc. of which will be determined by the Commission or a practical test.

22. In all cases where a junior person becomes eligible for consideration by virtue of his total length of service (including *ad hoc* one rendered upto 31-12-1983) in the feeder post all persons senior to him in respective category shall be deemed to be eligible for consideration and placed above the junior person in the field of consideration:

Provided that all incumbents to be considered for promotion/confirmation shall possess the minimum qualifying service of at least three years or that prescribed in the relevant Recruitment and Promotion Rules, for the post whichever is less:

Provided further that where a person becomes ineligible to be considered for promotion/confirmation on account of the requirements prescribed in the preceding proviso, the person(s) junior to him shall also be deemed to be ineligible for consideration for such promotion/confirmation.

23. The employees of all the public sector corporations and autonomous bodies who happened to be Government servants before absorption in public sector corporations/autonomous bodies at the time of initial constitution of such corporations/autonomous bodies, shall be allowed age concession in direct recruitment as admissible to Government servants. This concession will not, however, be admissible to such staff of the public sector corporations/autonomous bodies who were/are subsequently appointed by such corporations/autonomous bodies and are/were finally absorbed in the service of such corporations/autonomous bodies after the initial constitution of the public sector corporations/autonomous bodies.

24. The appointment to the service shall be subject to orders regarding reservation in the services for Scheduled Castes/Scheduled Tribes/Backward Classes

etc. issued by the Himachal Pradesh Government from time to time.

By order,
S. S. SIDHU,
Commissioner-cum-Secretary.

HIMACHAL PRADESH VIDHAN SABHA NOTIFICATION

Shimla-4, the 19th January 1988

No. 4-26/82-VS.—In exercise of the powers enabling her in this behalf, the Hon'ble Speaker, Himachal Pradesh Legislative Assembly, has been pleased to amend the Himachal Pradesh Legislative Library Rules,

1983 (notification on the 4th October, 1983) in the manner indicated hereunder:

1. These rules shall be called as the Himachal Pradesh Legislative Library (Amendment) Rules, 1988 and shall come into force with immediate effect.
2. Amendment of rule 4: The existing item (d) shall be re-numbered as "(d)(i)" and the following new sub-item numbered as "(d)(ii)" shall be inserted, namely:—
“(d)(ii) Former Officers and staff of the legislature Secretariat.”

By order
Sd/-
Secretary.

भाग 4—स्थानीय स्वायत्त शासन: म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और टाउन एरिया तथा पंचायती राज विभाग

शून्य

भाग 5—वैयक्तिक अधिसूचनाएं और विज्ञापन

In the Court of Mr. M. R. Singh, Senior Sub-Judge, Bilaspur, Himachal Pradesh

In case No. 6/5 of 1987

1. Parkash Chand, 2. Satish ss/o, 3. Smt. Kalan Devi wd/o Shri Gopal Ram r/o village Bah, Pargana Ajmerpur, Teh. Gumarwin, District Bilaspur, H. P.

..Petitioners

Versus

1. General public. 2. Keshri Devi d/o Gopal Ram r/o Village Bah, Pargana Ajmerpur, Teh. Ghumarwin, Distt. Bilaspur, H.P. at present Village Unda (Mihara) Pargana Ajmerpur, Tehsil Ghumarwin, District Bilaspur, H. P.

..Respondents.

Application for probate of the annexed will executed by Shri Gopal Ram s/o Ruwalu Ram, r/o Village Bah, Pargana Ajmerpur, Tehsil Ghumarwin, District Bilaspur, H. P. on dated 1-10-1981 registered in the office of the Sub-Registrar Ghumarwin on dated 22-12-1983 vide No. 738 Book No. 3/82 zild No. 82 to the petitioners,

To

The general public.

Whereas in the above-noted case/petition the petitioners Shri Parkash Chand and others have applied for probate of annexed will executed by Shri Gopal Ram (deceased) s/o Ruwalu Ram, Caste Brahman, r/o Village Bah, Pargana Ajmerpur, Tehsil Ghumarwin, District Bilaspur, H.P. in favour of the petitioners during life time who died at Village Bah on dated 15-10-1981.

Notice is hereby given to the general public relation and kinsmen of the deceased Shri Gopal Ram that if any body has got any objection the same be filed in this Court on or before 5-2-1988 at 10 A.M. personally or through pleader or through an authorised agent failing which the petition shall be heard and decided *ex parte*.

Given under my hand and the seal of the court this 12th day of January, 1988.

MRIGANDER SINGH,
Senior Sub-Judge, Bilaspur.

In the Court of Shri T.N. Vaidya, Senior Sub-Judge, Solan, District Solan, Himachal Pradesh

Shri Shiv Ram and others

..Plaintiffs.

Vs.

Shri Bawa Ram and others

..Respondents.

Suit For possession

To

1. Shri Bachni, 2. Bano and 3. Koran daughter of Shri Rulia son of Shri Chuhara, resident of Village Damowala, Pargana Doon, Tehsil Kasauli, District Solan, Himachal Pradesh.

Whereas in the above-noted case, it has been proved to the satisfaction of this court that the above-named defendants are evading the service of summons. Hence this proclamation under order 5, rule 20, C.P.C. is hereby issued against the above-named defendants to appear in this court on 17-2-1988 at 10 A.M. at Solan personally or through an authorised agent or pleader to defend the case failing which an *ex parte* proceeding will be taken against them.

Given under my hand and seal of the court this 4th day of January, 1988.

Seal.

T.N. VAIDYA,
Senior Sub-Judge, Solan

In the Court of Shri T. N. Vaidya, Senior Sub-Judge, Solan, District Solan, Himachal Pradesh

Case No. 41/6 of 1987

Pending for 9-3-1988

Shri Harbans Singh Doabia son of Shri Kundan Singh Ex-Additional Advocate General Punjab and Shrimati Satwant Kaur wife of Shri Harbans Singh Doabia, resident of Village Doabia House Saproon, Tehsil and District Solan, Himachal Pradesh. ..Plaintiff/Applicant.

Vs.

Shri A. D. Beond and others

..Respondent/defendants.

Application under Section 151 C.P.C.

To

1. Shri A.D. Beond son of Shri H.S. Beond C/o Shri Surjit Singh son of Shri Harkishan Singh near Railway Crossing Baldev Nagar Ambala, 2. Shri Surjit Singh son of Shri Harkishan Singh pensioner near Railway Crossing, Baldev Nagar, Ambala, 3. Shri Subhash Gupta, Technician, Telephone Department Solan, Himachal Pradesh, 4. Shri Jagjit Singh Sawhney of Kohil Cables (P) Ltd., Parwanoo Tehsil & District Solan, Himachal Pradesh, 5. Sant Sadhu Singh of Gurudawara Nanaksar, Tehsil Jagraon, District Ludhiana.

Whereas in the above-noted case, it has been proved to the satisfaction of this court that the above-named defendants/respondents are evading the service of summons. Hence this proclamation under order 5, rule 20, C.P.C. is hereby issued against the above-named defendants/respondents to appear in this court on 9-3-1988 at 10 A.M. at Solan, District Solan, Himachal Pradesh personally or through an authorised agent or pleader to defend the case failing which an *ex parte* proceeding will be taken against them.

Given under my hand and seal of the court on 30th day of December, 1987.

Seal.

T.N. VAIDYA,
Senior Sub-Judge, Solan.

PROCLAMATION UNDER ORDER 5, RULE 20, C.P.C.

In the Court of Shri Shamsher Singh, Senior Sub Judge, Una, Himachal Pradesh

Civil Suit No. 279 of 1987

Ishar

Versus

Smt. Bhagwanti etc.

To

1. Smt. Bhagwanti widow of Dittu, 2. Sarwan son of Dittu, Caste Gujar, r/o Village Pandori, Tehsil Garshankar, District Hoshiarpur, Punjab.

Whereas in the above noted case, it has been proved to the satisfaction of this court that the above named defendant are evading the service of summons and cannot be served in an ordinary way of service.

Hence this proclamation is hereby issued against them to appear in this court on 6-2-1988 at 10 A.M. personally or through an authorised agent, failing which *ex parte* proceedings shall be taken against them.

Given under my hand and seal of the court this 31st day of December, 1987.

Seal.

SHAMSHER SINGH,
Senior Sub-Judge, Una.

In the Court of S. L. Sharma, Sub-Judge 1st Class, Theog, District Shimla, Himachal Pradesh

In re.—Civil Suit No. 252/1 of 1987

State Bank of India having one of its branch office at Theog, District Shimla, Himachal Pradesh through its Branch Manager Shri K.L. Sharma, ..Plaintiff.

Versus

S/Shri Bhagat Ram Sharma son of Popi Ram, r/o village Bassa-Theog, P. O. Theog, District Shimla, Himachal Pradesh etc. ..Defendants.

Suit for recovery of Rs. 1241.80

Application under Order 5, Rule 20, C.P.C.

To
Shri Bhagat Ram Sharma son of Shri Popi, r/o Village Bassa-Theog, District Shimla, Himachal Pradesh.

Whereas in the above noted case, it has been proved to the satisfaction to this court that the above named defendant No. 1 Shri Bhagat Ram cannot be served through ordinary course of the summons. As process issued to him received back un-served, because he is evading the service of the summons. Hence this publication under Section 5, Rule 20, C.P.C. is issued against the defendant No. 1 to appear before this court on 17-2-1988 personally or through any authorised agent to defend his case, failing which he will be proceeded against *ex parte*.

Given under my hand and seal of the court this 6th day of January, 1988.

Seal.

S. L. SHARMA,
Sub-Judge 1st Class, Theog.

अदालती इशतहार

अदालत श्री राम स्वरूप गुप्ता, कुलैक्टर, पांवटा साहिब, जिला सिरमौर, हिमाचल प्रदेश

मिसल नं० 31/10

तारीख दायर 20-9-87

श्री बस्ती राम पुत्र श्री सोभा, निवासी ग्राम बाईला भजोन, तहसील पांवटा, जिला सिरमौर, हिमाचल प्रदेश ..अपीलांट।

बनाम

श्री तेलु पुत्र श्री लुदरू, निवासी ग्राम बाईला भजोन, तहसील पांवटा जिला सिरमौर, हिमाचल प्रदेश आदि-9 कस ..प्रतिवादीगण।

नोटिस बनाम :

1. श्रीमती शुपी पत्नी श्री जालम सिंह, निवासी ग्राम जुनोली, तहसील शिलाई, जिला सिरमौर, हिमाचल प्रदेश।

अपील जेर धारा 14 आफ हिमाचल प्रदेश लैण्ड रैवेन्यु ऐक्ट वरखिलाफ हुकम सहायक समाहर्ता प्रथम श्रेणी, पांवटा साहिब, दिनांक 8-7-86.

उपरोक्त मुकद्मा उनवान बाला में उपरोक्त प्रतिवादी श्रीमती शुपी पत्नी श्री जालम सिंह, निवासी ग्राम जुनोली, तहसील शिलाई को दिए गए पते पर कई बार समन किए गए परन्तु प्रतिवादी शुपी पर समन की तामील नहीं हो सकी जिससे अदालत को पूर्ण यकीन हो चुका है कि उपरोक्त प्रतिवादी पर साधारण तरीके से तामील नहीं हो सकती।

अतः प्रतिवादी नं० 1 को बजरिये इशतहार जेर आर्डर 5, रूल 20, सी०पी०सी० द्वारा सूचित किया जाता है कि आप तारीख 15-2-88 को बक्कत 10 बजे दिन असातन या वकालतन हमारी अदालत में हाजिर आवें। अदम हाजरी की सूरत में आपके विरुद्ध कार्यवाही यकतरफा अमल में लाई जावेगी।

आज दिनांक 4-1-88 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

राम स्वरूप गुप्ता,
कुलैक्टर,
पांवटा साहिब, जिला सिरमौर।

इशतहार आर्डर 5, रूल 20, सी०पी०सी०

अदालत श्री प्रेम चन्द घोमान, कुलैक्टर, सुन्दर नगर, जिला मण्डी हिमाचल प्रदेश

मिसल नम्बर 17

तारीख मरजुआ 1-7-87

बमुकद्मा :

1. श्याम सिंह सुपुत्र श्री जनक, 2. दिनेश सिंह, 3. श्रीमती चन्चला, 4. दलीप सिंह, निवासी सलाह, तहसील सुन्दरनगर, जिला मण्डी, हिमाचल प्रदेश। ..अपीलांट।

बनाम

1. श्री मान सिंह सुपुत्र दिवान सिंह, 2. जोगिन्द्र सिंह सुपुत्र दिवान सिंह, निवासी सलाह, तहसील सुन्दरनगर, जिला मण्डी, 3. श्रीमती कला देवी सुपुत्री दिवान सिंह पत्नी बृज लाल, निवासी चवाडी, तहसील चवाडी, जिला चम्बा, हिमाचल प्रदेश, 4. श्री राजेन्द्र कुमार सुपुत्र हिलन सिंह, 5. श्री राजकुमार सुपुत्र हिलन सिंह, 6. श्रीमती हरी प्रिमा सुपुत्री हिलन सिंह, 7. श्रीमती प्रितमा देवी पत्नी हिलन सिंह, निवासी माऊंट ट्रेनिंग होस्पिटल मनाली, जिला कुल्लू, हिमाचल प्रदेश, 8. महेन्द्र सिंह सुपुत्र हिलन सिंह, 9. श्री कृष्ण सिंह सुपुत्र हिलन सिंह, निवासी सलाह, तहसील सुन्दरनगर, जिला मण्डी, हिमाचल प्रदेश ..रिस्पोंडेंटस।

अपील जेर धारा 14 भू-राजस्व अधिनियम

उपरोक्त रिस्पोंडेंटस नम्बर 3 ता 6 को अदालत हजा से कई बार बराये पैरवी मुकद्मा समन जारी किए गए लेकिन इन पर तामील समन हस्व जाबता नहीं हो रही है। अदालत को पूर्ण विश्वास हो चुका है कि तामील साधारण तरीके से होना कठिन है। अतः उपरोक्त रिस्पोंडेंटस नम्बर 3 ता 6 को इस इशतहार द्वारा सूचित किया जाता है कि वह दिनांक 17-2-88 समय 10 बजे सुबह असातन या वकालतन अदालत हजा में हाजिर होकर पैरवी मुकद्मा करें, वसूरत दिगर कार्यवाही अमल में लाई जावेगी।

आज दिनांक 11-1-88 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

प्रेम चन्द घोमान,
कुलैक्टर, सब-डिविजन सुन्दरनगर, जिला मण्डी,
हिमाचल प्रदेश।

इशतहार

न्यायालय भू-सुधार अधिकारी भटियात (चवाडी), जिला चम्बा

धर्म सिंह पुत्र वीर सिंह, निवासी ग्राम नैल, परगना रायपुर ...प्रार्थी।

बनाम

1. श्रीमती विद्या विधवा बूटा, निवासी ग्राम रायपुर, 2. श्रीमती सत्या देवी पुत्री वीर सिंह, ग्राम मतियार, परगना होबार, 3. श्रीमती सीता देवी पुत्री वीर सिंह, ग्राम मतियार, परगना होबार, 4. श्रीमती राणी व शीला पुत्री केसरी सिंह, ग्राम सनोह, परगना चवाडी ...फरीकैन दोयम।

दावा दस्तू गिरदावरी खसरा नं० 261/392 तादादी 0-15 मुहाल रायपुर ।

मुकद्मा हजा में फरीक नं० 2 सत्या देवी पर हस्व जाब्ता तामील नहीं हो रही है। अतः उसे बजरिया इश्तहार हजा सूचित किया जाता है कि वह न्यायालय हजा में मिति 28-3-88 को असातन व वकालतन हाजर होकर मुकद्मा हजा की पैरवी करें अन्यथा कार्यवाही एकतरफा अमल में लाई जावेगी।

मोहर ।

हस्ताक्षरित,
भू-सुधार अधिकारी,
भटियात (चुवाड़ी) ।

इश्तहार

न्यायालय सहायक समाहर्ता प्रथम श्रेणी, भटियात (चुवाड़ी), जिला चम्बा

1. श्रीमती नल्लो पुत्री भोड़ो, 2. श्री बेलो राम पुत्र बन्त, 3. श्रीमती सोमा देवी विधवा जैसी, निवासी ग्राम मुलेहतरा, परगना भट्टि टिकरी, उप-तहसील सियून्ता, जिला चम्बा ... प्रार्थीगण/फरीक ।

बनाम

श्री प्रेम लाल पुत्र सरणू, निवासी ग्राम मुलेहतरा, परगना भट्टि टिकरी, उप-तहसील सियून्ता, जिला चम्बा ... फरीक दोयम ।

(1) श्री जगतो, (2) श्री चिन्तो पुत्र फरगों, (3) श्री रेलू, (4) श्री चुनी लाल पुत्र वालो, 5. श्रीमती शोला पुत्री वालो, (6) श्री सालो, (7) श्री प्रतापो, (8) श्री केसर पुत्र किरपा, (9) श्री निलक राज पुत्र परस राम, (10) श्री ज्ञानो पुत्र परस राम, (11) श्री बरसो पुत्र परस राम, (12) श्री मदन लाल पुत्र परस राम, (13) श्रीमती काली विधवा घनी राम, (14) श्री दुर्नी चन्द पुत्र चतरो, (15) श्री विद्या सागर पुत्र चतरो, (16) श्रीमती प्रेमी पुत्री चतरो, (17) श्री फकीर पुत्र सोहनू, (18) श्री नानक पुत्र जैसी, (19) श्रीमती हल्मा, (20) श्रीमती घर्मो पुत्रियां जैसी राम, निवासी ग्राम मरौता, परगना भट्टि टिकरी, उप-तहसील सियून्ता, जिला चम्बा ... तरतीवी फरीकैन-II.

दरखास्त बराए दस्तू इद्राज खसरा गिरदावरी बावत रकबा खाता नं० 150/938, खसरा नं० 748, तादादी 4-9 मौजा मोतला, परगना भट्टि टिकरी ।

मुकद्मा हजा में फरीकैन दोयम पर समत तामील नहीं हो रही है। अतः उन्हें बजरिया इश्तहार हजा सूचित किया जाता है कि वह न्यायालय हजा में मिति 28-3-88 को असातन व वकालतन हाजर होकर मुकद्मा हजा की पैरवी करें। अन्यथा कार्यवाही एकतरफा अमल में लाई जावेगी।

मोहर ।

हस्ताक्षरित,
सहायक समाहर्ता प्रथम श्रेणी,
भट्टियात (चुवाड़ी) ।

बअदालत सब-रजिस्ट्रार, चुराह, जिला चम्बा, हिमाचल प्रदेश

राम दियाल पुत्र हरि दास, निवासी सेरी, परगना तीसा

बनाम

ग्राम जनता

दरखास्त तस्दीक वसीयतनामा 40/41 रजिस्ट्रेशन ऐक्ट, 1908

मुकद्मा उनवान वाला में श्री राम दियाल ने अदालत हजा में दरखास्त दायर की है कि श्रीमती जानकु विधवा जवाला, निवासी ग्राम भटकार, परगना लोह टिकरी, तहसील चुराह, जिला चम्बा ने अपनी वसीयत मिति 10-10-87 को मेरे नाम करवाई थी श्रीमती जानकु अब फौत हो चुकी है। अतः वसीयतनामा 40/41 रजिस्ट्रेशन ऐक्ट नं० 1908 तहत रजिस्टर्ड की जावे।

अतः सर्वसाधारण जनता को बजरिया इश्तहार सूचित किया जाता है कि इस वसीयत के रजिस्टर्ड होने में जिस किसी को उजर एतराज हो तो वह मिति 23-2-88 को प्रातः 10 बजे बमुकाम भन्जराई अदालत हजा में हाजिर आवें। दिगर इस के कोई उजर एतराज काबले समायत नहीं होगा और वसीयत सत्यापित की जाएगी।

आज दिनांक 5-1-88 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ ।

मोहर ।

हस्ताक्षरित/-
सब-रजिस्ट्रार चुराह,
जिला चम्बा ।

बअदालत श्री डी० एस० नेगी, उप-पंजीपाल, चौपाल, जिला शिमला

उनवान मुकद्मा :

श्रीमती निरमु पुत्री बुधिया, ग्राम अलाशना, परगना पुन्दर, तहसील चौपाल, जिला शिमला, हिमाचल प्रदेश ... फरीक अव्वल ।

बनाम

साधारण जनता

... फरीक दोयम

नोटिस बनाम:—साधारण जनता

इश्तहार बावत पंजीकृत करने वसीयतनामा जेर धारा 40/41 भारतीय पंजीकृत अधिनियम ।

उपरोक्त विषय में साधारण जनता को इश्तहार हजा द्वारा सूचित किया जाता है कि श्रीमती निरमु पुत्री बुधिया ग्राम, अलाशना, परगना पुन्दर, तहसील चौपाल ने एक विला पंजीकृत वसीयतनामा जो उसके हक में मृतक बालक राम पुत्र बुधिया, ग्राम अलाशना, परगना पुन्दर ने बावत अराजी मनकुला व गैर-मनकुला जो चक मारल व अलाशना, में है खबर ग्वाहन अपने जीते जी तहरीर करवाया था, बराए पंजीकृत करने हेतु पेश किया है।

अतः इस इश्तहार द्वारा साधारण जनता को सूचित किया जाता है कि यदि इस विला पंजीकृत शुद्धा वसीयतनामे को पंजीकृत करने वारा पर कोई उजर व एतराज हो तो वह दिनांक 19-2-1988 को मेरे न्यायालय मुकाम चौपाल में सुबह 10 बजे हाजर आकर पेश करें अन्यथा इस वसीयतनामे को हस्व जाब्ता पंजीकृत कर दिया जावेगा।

आज दिनांक 6 जनवरी, 1988 को मेरे हस्ताक्षर व मोहर अदालत द्वारा जारी किया गया ।

मोहर ।

डी० एस० नेगी,
उप-पंजीपाल, चौपाल,
जिला शिमला ।

बअदालत जनाब प्रताप सिंह, सहायक समाहर्ता, द्वितीय श्रेणी फतेहपुर, जिला कांगड़ा

मिसल नं० 1 आफ 1987-88/एन०टी०एफ०

तारीख दायरा : 28-10-1987

तारीख पेशी : 17-2-1988

किस्म मुकद्मा : तकसीम भूमि

हुशयारा

बनाम

विक्रम सिंह बगेरा

इश्तहार बनाम:—श्री विक्रम सिंह, गुजर सिंह, वरियाम सिंह पुत्रान किरपा, साकनान सुनहारा, मौजा फतेहपुर, तहसील नूरपुर, जिला कांगड़ा ।

दरखवास्त तकसीम भूमि खाता नं० 51 वाक्या टीका भटोली पकवा, मौजा फतेहपुर, तहसील नूरपुर।

बगदालत सहायक समाहर्ता, प्रथम श्रेणी, तहसील सुन्दरनगर

मिसल नं० 93/83

बमुकदमा :
भगत राम

बनाम

सुरेन्द्र, पाला आदि।

दरखवास्त सेहत इन्दराज कास्त गिरदावरी बावत भूमि मन्दर्जा खाता खतौनी नं० 19 मिन, नं० ख० 255, तादादी 37 मिन, 6-1-9 वाक्या मुहाल छात्र, तहसील सुन्दरनगर, जिला मण्डी, हिमाचल प्रदेश।

नोटिस बनाम :

(1) श्रीमती चन्द्रा वती पत्नी श्री खेम चन्द, निवासी नैर चौक, तहसील सदर मण्डी, (2) नानक चन्द पुत्र श्रीमा, निवासी पुराना बाजार सुन्दरनगर, जिला मण्डी।

बमुकदमा उनवान वाला में फरीक दोयम श्रीमती चन्द्रावती व नानक चन्द पर तामील समन आसान तरीके पर नहीं हो रही है। अतः उन्हें बजरिया इश्तहार सूचित किया जाता है कि मुकदमा की पैरवी हेतु मुकाम भूमि एकत्रीकरण अधिकारी कार्यालय, पुराना बाजार सुन्दरनगर, जिला मण्डी दिनांक 1-3-88 को प्रातः 10 बजे असातन या वकालतन हाजर आवे। अन्यथा उनके खिलाफ यकतरफा कार्यवाही अमल में लाई जावेगी। तिथि मुकरं के बाद कोई उजर काबले समायत न होगा।

आज हमारे इस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित:-
सहायक समाहर्ता प्रथम श्रेणी भू-एकत्रीकरण विभाग,
सुन्दरनगर, जिला मण्डी।

बगदालत श्री हंस राज शर्मा, नायब-तहसीलदार बगदालत सहायक कुलैक्टर, द्वितीय श्रेणी, हमीरपुर, तहसील व जिला हमीरपुर, हिमाचल प्रदेश

विषय:-तस्दीक इन्तकाल मकफूद उलखवरी इन्तकाल नं० 1096 वाक्या टीका अमनेड़, मौजा महलता, तहसील व जिला हमीरपुर मिनजानिव प्रीतम चन्द पुत्र श्री घसीटू राम, 2. श्रीमती व्यासा देवी पुत्री घसीटू राम, 3. श्रीमती सुनैहरू देवी बेवा घसीटू राम भाग बराबर, वासी टीका अमनेड़, तहसील व जिला हमीरपुर, हिमाचल प्रदेश।

मुन्दर्जा उनवान वाला में पाया गया कि श्री घसीटू राम पुत्र श्री सुर्जन, वासी टीका अमनेड़ अरसा 20 साल से लापता है इस का मकफूद उलखवरी इन्तकाल नं० 1096 वाक्या टीका अमनेड़, तप्पा महलता, तहसील व जिला हमीरपुर वारिस श्री प्रीतम चन्द पुत्र घसीटू राम व श्रीमती व्यासा देवी पुत्री घसीटू राम व श्रीमती सुनैहरू देवी बेवा श्री घसीटू राम, वासी अमनेड़, तप्पा महलता, तहसील व जिला हमीरपुर के नाम दर्ज है। और जेर फैसला है। श्री घसीटू राम का इस अरसा में कोई पत्र नहीं आया है और न ही कोई पता चला है। अतः इश्तहार हजा मुस्त किया जाता है कि यदि किसी को श्री घसीटू राम के बारे में कोई पता हो या तस्दीक इन्तकाल में कोई उजर हो या एतराज हो तो वह मुस्ती इश्तहार हजा के 30 दिन के अन्दर असातन या वकालतन हाजिर आ कर पेश कर सकता है। इस के बाद कोई उजर या एतराज काबिल समायत न होगा। और इन्तकाल बहक श्री प्रीतम चन्द पुत्र घसीटू राम व श्रीमती व्यासा देवी पुत्री श्री घसीटू राम व श्रीमती सुनैहरू देवी बेवा श्री घसीटू राम वासी अमनेड़, तप्पा महलता के नाम तस्दीक कर दिया जायेगा।

आज दिनांक 5-1-1988 को मोहर अदालत व मेरे हस्ताक्षरों से जारी किया गया।

मोहर।

हंस राज शर्मा,
सहायक समाहर्ता, द्वितीय श्रेणी,
हमीरपुर।

मोहर।

हस्ताक्षरित:-
उप-पंजीकाध्यक्ष,
तहसील सदर, जिला मण्डी।

बगदालत उप-पंजीकाध्यक्ष, तहसील सदर, मण्डी जिला हिमाचल प्रदेश

बमुकदमा :

श्री पूष्प राज कपूर पुत्र शादी लाल कपूर पुत्र अनन्त राम, निवासी नगर मण्डी, जवाहर नगर, तहसील सदर, मण्डी, हिमाचल प्रदेश।
...प्रार्थी।

बनाम

1. ग्राम जनता
2. श्रीमती शारदा कपूर पत्नी विधवा श्री शादी लाल कपूर पुत्र श्री अनन्त राम कपूर।
3. डा० सी० एम० कपूर (श्रीमती चंदर मुखी) पुत्री शादी लाल कपूर।
4. श्री पी० पी० कपूर (पूर्ण प्रकाश) पुत्र श्री शादी लाल कपूर, निवासी नगर मण्डी, जिला मण्डी, हिमाचल प्रदेश ...प्रत्यार्थी।

दरखवास्त बराय रजिस्टर्ड फरमाये जाने वसीयत नामा जेर धारा 40 व 41 रजिस्ट्रेशन ऐक्ट।

उपरोक्त विषय पर फरीक अव्वल ने इस अदालत में जेर धारा 40 व 41 रजिस्ट्रेशन अधिनियम के तहत एक वसीयतनामा दर्ज करवाने हेतु दिनांक 17-11-87 को एक प्रार्थना-पत्र गुजारा है। वसीयत कर्ता श्री शादी लाल कपूर दिनांक 7-9-87 को स्वर्गवास हो चुका है। अतः हरगाह फरीक दोयम उपरोक्त को बजरिया इश्तहार राजपत्र हिमाचल प्रदेश द्वारा सूचित किया जाता है कि अगर जिस किसी को इस वसीयतनामा के पंजीकरण में अगर कोई उजर व एतराज हो तो वह अपने उजर व एतराज असातन या वकालतन आगामी तारीख पेशी 6-2-88 को सुबह 10 बजे हाजिर हो कर पेश करें अन्यथा कार्यवाही जाब्ता अमल में लाई जावेगी।

आज हमारे इस्ताक्षर व मोहर अदालत से जारी हुआ।

भाग 6—भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन

शून्य

भाग 7—भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं

शून्य

अनुपूरक

शून्य

PART I

लोक निर्माण विभाग

अधिसूचनाएं

शिमला-171002, 29 दिसम्बर, 1987

संख्या: लो0नि0(ख) (1)33/87.—अतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार को अपने व्यय पर सार्वजनिक प्रयोजन के लिए नामतः गांव खलीनी पट्टेवग, पट्टी रिहाना (शहर) तथा पट्टी रिहाना (ग्रामीण) में शिमला बाईपास सड़क निर्माण हेतु भूमि अर्जित करना अत्यावश्यक अपेक्षित है, अतएव एतद्वारा यह अधिसूचित किया जाता है कि उक्त परिक्षेत्र से जैसा कि निम्न विवरणी में निर्दिष्ट किया गया है उपरोक्त प्रयोजन के लिए भूमि का अर्जन अपेक्षित है।

यह अधिसूचना ऐसे सभी व्यक्तियों को जो इससे सम्बन्धित हो सकते हैं की जानकारी के लिए भूमि अर्जन अधिनियम, 1894 की धारा 4 के उपबन्धों के अन्तर्गत जारी की जाती है।

पूर्वोक्त धारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राज्यपाल, हिमाचल प्रदेश, इस समय इस उपक्रम में कार्यरत सभी अधिकारियों उनके कर्मचारियों और श्रमिकों को इलाके की किसी भी भूमि में प्रवेश करने और सर्वेक्षण करने और उस धारा द्वारा अपेक्षित या अनुमत अन्य सभी कार्यों के लिए सहर्ष प्राधिकार देते हैं।

अत्यधिक आवश्यकता को दृष्टि में रखते हुए हिमाचल प्रदेश के राज्यपाल, उक्त अधिनियम की धारा 17 की उप-धारा (4) के अधीन यह भी निर्देश देते हैं कि उक्त अधिनियम की धारा 5(ए) के उपबन्ध इस मामले में लागू नहीं होंगे।

निर्देश

जिला : शिमला

तहसील : शिमला

मौजा	खसरा नं०	बीघा	बिस्वा
1	2	3	4
खलीनी	4	0	2
	32/6	0	1
	53/18/6	0	8
	50/18/6	0	10
	51/18/6	0	11
	किता 5	1	12
पट्टेवग	591/323	3	9
	639/280	0	12
	576/288	1	13
	574/287	0	13
	289	0	9
	351	0	10
	277	0	11
	584/322	0	8
	585/322	0	2
	587/322	0	7
	588/322	0	2
	279	0	7
	570/282	1	1

583/321	0	8
317	0	1
343	0	11
593/327	49	3
276	2	0
283	0	4
572/284	0	10
581/319	0	14

किता 21 63 18

पट्टी रिहाना (शहरी)

49/14/1	0	15
18/1	0	5
15/1	0	17
51/19	1	2
55/20/1	4	5
21/1	5	1
36/2	0	16
42/5/1	0	8
57/22/1	1	0
57/22/3	0	2
33/1	0	16
45/6	0	1
46/6	0	3
47/6/1	0	9
9/1	2	13
7/1	0	1
12/1	0	11
10/1	0	1
11	0	1
8/1	0	10
24/1	0	5

किता 21 20 2

पट्टी रिहाना (ग्रामीण)

155/2/1	0	2
161/2/1	0	3
163/1	0	4
2226/2064/1	0	9
319/1	1	0

किता 5 1 18

शिमला-2, 2 जनवरी, 1988

संख्या लो० नि० (ख) 7(1) 27/87.—यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार को सरकारी व्यय पर सार्वजनिक प्रयोजनार्थ नामतः गांव दौलतपुर, तहसील व जिला कांगड़ा, हिमाचल प्रदेश में जालन्धर-होशियारपुर-धर्मशाला सड़क निर्माण हेतु भूमि ली जानी अपेक्षित है। अतएव एतद्वारा यह घोषित किया जाता है कि निम्न विवरणी में वर्णित भूमि उक्त प्रयोजन के लिए अपेक्षित है।

2. यह घोषणा भूमि अर्जन अधिनियम, 1894 की धारा 6 के उपबन्धों के अधीन इससे सम्बन्धित सभी व्यक्तियों की सूचना हेतु की जाती है और उक्त अधिनियम की धारा 7 के उपबन्धों के अधीन भू-अर्जन समाह्वी, लोक निर्माण विभाग, कांगड़ा, हिमाचल प्रदेश को उक्त भूमि को अर्जन करने के आदेश लेने का एतद्वारा निदेश दिया जाता है।

3. भूमि का रेखांक भू-अर्जन समाह्वी, लोक निर्माण विभाग, कांगड़ा, हिमाचल प्रदेश के कार्यालय में निरीक्षण किया जा सकता है।

विवरण

जिला : कांगड़ा

तहसील : कांगड़ा

गांव	खसरा नं०	क्षेत्र हेक्टेयर में
दौलतपुर	19	0 01 52

आदेश द्वारा,
हस्ताक्षरित/-
सचिव।

Authoritative English Text of this Government notification No. Lok Nirman (Kha) 7(1) 27/87, dated 2-1-88 as required under clause (3) of Article 348 of the Constitution of India.

PUBLIC WORKS DEPARTMENT

NOTIFICATION

Shimla-171002, the 2nd January, 1988

No. PBW (B&R) (B) 7(1)-27/87.—Whereas it appears to the Governor, Himachal Pradesh that the land is required to be taken by the Government of Himachal Pradesh at the public expense namely for construction of Jalandhar-Hoshiarpur-Dharamshala road in village Daulatpur, Tehsil & District Kangra. It is hereby declared that the land described in the specification below is required for the above purpose.

2. The declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894, to all whom it may concern and under the provision of section 7 of the said Act, the Collector, Land Acquisition, Kangra, Himachal Pradesh Public Works Department is hereby directed to take order for the acquisition of the said land.

3. A plan of the land may be inspected in the office of the Collector, Land Acquisition, Himachal Pradesh Public Works Department, Kangra.

SPECIFICATION

District : KANGRA

Tehsil : KANGRA

Village	Khasra No.	Area in Hectares
DAULATPUR	19	0 01 52

By order,
Sd/-
Secretary.

